LEGISLATIVE HISTORY

Public Law 88-160
H. J. Res. 192

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INDEX AND SUMMARY OF H. J. RES. 192

Jan. 24, 1963	Rep. Thompson (Tex.) introduced H. J. Res. 192 which was referred to the House Agriculture Committee. Print of bill as introduced.
Mar. 25, 1963	House subcommittee passed over H. J. Res. 192.
July 17, 1963	House committee voted to report H. J. Res. 192.
July 29, 1963	House committee reported H. J. Res. 192 without amendment. H. Report No. 595. Print of bill and report.
Aug. 5, 1963	House passed H. J. Res. 192 without amendment.
Aug. 6, 1963	H. J. Res. 192 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
Sept. 18, 1963	Senate committee reported H. J. Res. 192 without amendment. S. Report No. 503. Print of bill and report.
Sept. 25, 1963	Senate passed over H. J. Res. 192.
Oct. 16, 1963	Senate made H. J. Res. 192 unfinished business.
Oct. 17, 1963	Senate passed H. J. Res. 192 without amendment.
Oct. 28, 1963	Approved: Public Law 88-160.

H. J. RES. 192

88TH CONGRESS
1ST SESSION

H. J. RES. 192

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1963

Mr. THOMPSON of Texas introduced the following joint resolution; which was referred to the Committee on Agriculture

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been

validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

88TH CONGRESS
1ST SESSION

H. J. RES. 192

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

By Mr. THOMPSON of Texas

JANUARY 24, 1963
Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued March 26, 1963
For actions of March 25, 1963
88th-1st; No. 45

CONTENTS

HIGHLIGHTS: House subcommittee voted to report bills for transfer of rice allotments and continue exemption of green peanuts from allotments and quotas. Rep. Latta criticized "double standard" voting in wheat referendum. Sen. Talmadge criticized Common Market restriction on poultry imports. Reps. Olsen, Mont., and White introduced bills to provide two additonal USDA assistant secretaries.

HOUSE

1. STOCKPILING. Both Houses received from this Department a proposed bill "to provide for the stockpiling, storage, and distribution of essential foodstuffs including wheat and feed grains. to assure supplies to meet emergency civil defense needs, and other purposes"; to House Armed Services Committee and Senate Agriculture and Forestry Committee. pp. 4513, 4638

2. WHEAT. Rep. Latta criticized the Department's announcement that producers of less than 15 acres of wheat will be ineligible to vote in the referendum unless they agree to comply with quotas.

3. FOREIGN TRADE. Rep. Harvey criticized the President for not withdrawing most-favored nation treatment from Yugoslavia and P land especially relating to zinc products. pp. 4610-1

4. PUBLIC WORKS. Rep. Hechler urged the extension of accelerated public works program to decrease the unemployment problem. p. 4597

5. EXPENDITURES. Rep. Cannon discussed and inserted a table showing the net expenditures of fiscal 1963 compared with fiscal 1962. pp. 4598-9
   Rep. Joelson urged Congressmen to discover ways in their district to cut Federal expenditures including reduced farm supports and area redevelopment. p. 4602-3
   Rep. Foreman criticized the President's programs, stating they are "running up a deficit at more than twice the rate of the Eisenhower administration. pp. 4628-9

6. FLOOD CONTROL. Reps. Brown (Ohio), Schenck, and McCulloch praised the citizens in the Miami River valley (Ohio) area for their flood control projects completed without Federal aid. pp. 4599-4601

7. SALINE-WATER RESEARCH. Both Houses received from Interior a report pursuant to the Saline Water Act for the calendar year 1962. pp. 4514, 4638

8. SCHOOL LUNCH. Received from the D. C. Commissioners a proposed bill "to amend the District of Columbia Public School Food Services Act"; to D. C. Committee. p. 4638

9. RICE; PEANUTS. The Oilseed and Rice Subcommittee of the Agriculture Committee ~~voted to report H. R. 3742, relating to the transfer of producer rice acreage allotments;~~ passed over H. J. Res. 192, relating to the validity of certain rice acreage allotments for 1962 and prior crop years; ~~and voted to report~~ H. R. 101, to extend for 2 years the exemption of green peanuts from quotas. p. D170

10. ADJOURNED until Thurs., Mar. 28. p. 4638

SENATE

11. FOREIGN TRADE. Sen. Talmadge criticized Common Market levies on the importation of U. S. poultry as unreasonable and discriminatory, and inserted a Ga. Legislature resolution critical of these levies and urging the President to take action to have them removed. pp. 4533-4

12. FARM PROGRAM. Sen. Mansfield inserted the President's Chicago speech in which he commended the productive capacity of U. S. agriculture and urged enactment of his youth employment opportunities program. pp. 4528-30
    Sen. Carlson inserted a series of Kan. Livestock Assoc. resolutions condemning the use of USDA publications "to promote the 1964 wheat program," opposing proposed legislation to provide for regional planning of water resources, urging continuation of the National Livestock and Meat Board under its present method of financing, etc. pp. 4521-2

13. EXTENSION SERVICE. Received a Wyo. Legislature resolution urging a prohibition on the "use of the Cooperative Extension Service as a means of promoting political programs as a tool of the Federal Administration." p. 4518

14. COTTON. Received a S. C. Legislature resolution commending Secretary Freeman "for his action in holding the support price on 1963 upland cotton at 32.47 cents per pound." pp. 4519-20

15. WILDERNESS AREAS; FORESTRY. Received a Wyo. Legislature resolution opposing the creation or extension of wilderness areas in that State. p. 4520

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued July 18, 1963
For actions of July 17, 1963
88th-1st; No. 108

CONTENTS

HIGHLIGHTS: House agreed to conference report on Interior appropriation bill. House committee agreed to accept price support amendment to cotton bill, referred potato marketing quota bill to subcommittee, and voted to report rice allotment transfer bill. Senate committee voted to report bills to extend Mexican farm labor program, extend time for filing tobacco allotment tranfers, and permit transfer of rice allotment history. Senate committee agreed to take action on dairy legislation Aug. 7. House passed bill to continue exemption of peanuts for boiling from allotments. Rep. Roudebush urged enactment of new wheat-feed grains legislation.

HOUSE

1. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1964. By a vote of 331 to 50, agreed to the conference report on this bill, H. R. 5279, and acted on amendments in disagreement (pp. 12076-82). By a vote of 144 to 245, rejected a motion by Rep. Hall to recommit the bill to conference with instructions to insist on disagreement with a Senate amendment relating to the National Air Museum Building (pp. 12079-80). See Digest 105 for a summary of Forest Service items. This bill also includes items for the Bureau of Outdoor Recreation, saline water research, and Virgin Islands Corporation.

2. PEANUTS. Passed without amendment S. 582, to continue for two additional years (1964 and 1965) the exemption of peanuts used for boiling from allotments and quotas. A similar bill, H. R. 101, was tabled (pp. 12082-9). A point of order was sustained against an amendment by Rep. Findley which would have extended the exemption to all types of peanuts (pp. 12087-8). A point of order was sustained against an amendment by Rep. Dole which would have extended the exemption to any agricultural commodity which prior to being marketed as a

President.
foodstuff is boiled and dried (p. 12088). This bill will now be sent to the/

3. RICE. The Agriculture Committee voted to report (but did not actually report) H. J. Res. 192, to make valid any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the ASC county committee in good faith for any crop year 1956 to 1962. p. D537

4. POTATOES. The Agriculture Committee referred H. R. 3923, to provide for marketing quotas on Irish potatoes, to the Domestic Marketing Subcommittee for further consideration. p. D537

5. COTTON. The "Daily Digest" states that the Agriculture Committee discussed H. R. 6196, the cotton bill, now pending before the Rules Committee and agreed "to accept a floor amendment which would set the 1964 support on the balance of the crop at 30 cents (middling 1-inch), for 1965 at 29½ cents, and for 1966 at 29 cents." p. D537

6. WATERSHEDS. The Agriculture Committee approved the following watershed projects: Bear-Pierce-Cedar Creek, Nebr., Bellwood, Nebr., Buckhorn-Mesa, Ariz., Caney Creek, Okla., Istokpoga Marsh, Fla., Middle Fork of Hood River, Oreg., Mulberry Creek, Tenn., Nealahu, Hawaii, Tupelo Bayou, Ark., Upper Deckers Creek, W. Va., Upper Little Minnesota River, S. Dak., Upper Tampa Bay, Fla., Johns Creek, Va., and Jumper Creek, Fla. p. D537

7. INFORMATION. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 6237, to authorize grants for the collection, reproduction, and publication of documentary source material significant to the history of the U. S. p. D537

8. TERRITORIES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands. p. D537

9. VETERINARY MEDICINE. Passed without amendment H. J. Res. 513, to authorize the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week. p. 12082

10. WHEAT; FEED GRAINS. Rep. Roudebush urged the enactment of new wheat-feed grains legislation this session of Congress and outlined certain provisions he proposed should be included in such legislation. pp. 12090-1

11. FARM LABOR. Reps. Martin (Calif.), Talcott, and Gonzalez debated the merits of extending the Mexican farm labor program. pp. 12094-5, 12095-6, 12100

12. COMMITTEE STAFFS. Received from the various committees reports on committee staffs titles, and salaries for the period Jan. 1 to June 30, 1963. pp. 12102-10

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued July 30, 1963
For actions of July 29, 1963
88th-1st; No. 114

CONTENTS

HIGHLIGHTS: Sens. Humphrey and Proxmire commended Sen. McGovern for introducing wheat bill. Sen. Proxmire urged changes in budgetary procedure. House committee reported resolution making valid certain rice acreage allotments. Rep. Harvey (Mich.) inserted articles on reported political trade involving cotton and area redevelopment legislation. Sen. McGovern introduced and discussed wheat bill.

HOUSE

1. FORESTRY. The Agriculture Committee reported with amendment S. 1388, adding lands to the Cache National Forest, Utah (H. Rept. 597). p. 12859

2. RICE. The Agriculture Committee reported without amendment H. J. Res. 192, making valid certain rice acreage allotments for 1962 and prior crop years (H. Rept. 595). p. 12859

3. RESEARCH. Received a report from the Office of Science and Technology, "Oceanography: The 10 Years Ahead," and embodying the coordinated plans for 1963-72 of the 20 Federal agencies which conduct and sponsor oceanographic research; to Merchant Marine and Fisheries Committee. p. 12859

4. TEXTILES. Rep. Cleveland inserted an editorial complaining that the Administration has not kept its promise for aid to the textile industry. pp. 12852-3

5. AREA REDEVELOPMENT; COTTON. Rep. Harvey (Mich.) inserted various articles concerning the report of a political trade over cotton and area redevelopment administration legislation. pp. 12815-8

6. FOREIGN AID. Rep. Harvey (Ind.) criticized an editorial opposing Rep. Broomfield's amendment to the foreign aid bill which would "establish some guidelines" toward Indonesia as done with Poland and Yugoslavia. p. 12815

Rep. Pucinski suggested the need for a unified effort to meet the new economic challenge if disarmament is achieved, including such possibilities as establishing consumer markets behind the Iron Curtain and improving the quality of American-made products. pp. 12857-8

7. FARM LABOR. Rep. Talcott criticized resolutions by religious-sounding committees concerning the Mexican farm labor problem. p. 12851

Rep. Gonzalez compared the difficult life of the migrant worker with that of various other occupations. pp. 12853-4

8. SPENDING. Rep. Multer complained of backdoor spending as developing from Treasury financing rather than through appropriation bills. p. 12853

SENATE

9. RIVER BASINS. Continued debate on H. R. 6016, to authorize additional appropriations for prosecution of flood control and multiple-purpose projects in the following river basins: Cape Fear River Basin, Savannah River Basin, central and southern Florida, Apalachicola River Basin, Brazos River Basin, Arkansas River Basin, White River Basin, Red River Basin, Missouri River Basin, Ohio River Basin, Los Angeles-San Gabriel River Basin, and Columbia River Basin (pp. 12746-7, 12772-3, 12775-802). Agreed to the committee amendments en bloc and the bill as amended will be considered as original text for the purpose of further amendment (pp. 12746-7, 12775). Agreed to a unanimous-consent agreement limiting debate on this bill beginning Tues., July 30 (pp. 12772-3).

The report of the Public Works Committee includes the following statement regarding a further study of the Cape Fear River Basin:

"The committee is of the opinion that the New Hope Dam does not meet the full needs of the basin, and that a program of numerous small reservoir projects would not provide the benefits that would accrue from the New Hope Reservoir and other multiple-purpose projects but would complement such larger projects. It believes that joint investigations and studies of additional reservoirs, both large and small, should be conducted by the Corps of Engineers and the Soil Conservation Service, and recommends authorization for such a complete study, along with the authorization for the New Hope Dam and Reservoir. The study should proceed concurrently with the planning on the New Hope Dam and Reservoir, and determine the total needs and economic justification for development of all the water resources of the Cape Fear River Basin."

10. WHEAT. Sens. Humphrey and Proxmire commended Sen. McGovern for introducing his bill to provide a voluntary wheat adjustment and price support program, and urged that serious consideration be given the proposal. pp. 12752-3

11. BUDGETING. Sen. Proxmire reviewed recommendations to be made by the Statistics Subcommittee of the Joint Economic Committee for changing present procedures in the development and presentation of the Federal budget and urged support for the proposed changes, particularly with regard to the arrangement and presentation of materials in the budget. pp. 12753-5

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 595

VALIDATING CERTAIN RICE AGREAGE ALLOTMENTS

JULY 29, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.J. Res. 192]

The Committee on Agruculture to whom was referred the joint resolution (H.J. Res. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

PURPOSE

The purpose of this resulution is to validate certain rice allotments which have been made in good faith by county ASC committees and used by producers prior to 1963, which now appear to be subject to review and possible recall due to technical violation of the Secretary of Agriculture's regulations relating to rice acreage allotments.

NEED FOR THE LEGISLATION

In some States, notably California and Texas, certain plant diseases make it necessary to move the production of rice to new land about every 2 years. Because of this situation, rice allotments in these States are made to a producer (instead of to a farm, as is the case in all other allotment programs, and in rice elsewhere) so that the acreage may be moved readily to fresh land. In practice, these allotments are frequently grown on leased land and a landowner who is preparing his land for rice will often lease acreage on the same farm to several different producers.

Under departmental regulations, the allotment or allotments are actually assigned each year to the farm on which they will be grown for that year and the farm allotment is established as the combined producer allotments assigned to the farm. If one of those allotments is out of compliance, the entire farm is out of compliance and all the

producers with allotments being grown on the farm are jointly and severally liable for marketing quotas penalties, even though their own allotments are completely in order and they had no knowledge of any irregularity in any allotment.

Departmental regulations require that the allotment holder participate in the farming operations by furnishing labor, water, or equipment necessary to produce and harvest the crop. An audit begun in 1962 by the Department of Agriculture disclosed that for several years numerous county committees had been assigning producer allotments to farms without requiring strict compliance with this provision of the regulations. Under departmental regulations it would be possible to challenge and possibly cancel allotments which had been made under these circumstances as far back as 1958. If this were done, all the producers with allotments on a farm where an allotment was withdrawn would be technically in violation of marketing quotas for that year and subject to marketing quota penalties, even though their own allotment might have been in compliance with regulations in every detail.

Such a procedure would be patently unfair not only to those producers who had complied in every detail with the rquirements of the regulation but also to those who, in good faith, had assigned their allotments to a farm with the full knowledge and concurrence of the county committee that they were not participating actively in the production of the crop. In addition, the Department estimates that the administrative and legal expense of now challenging and seeking to recall these allotments retroactively would far exceed the marketing quota penalties which might be recovered.

Changes in regulations and procedures to require strict compliance with all details of the regulations have been put into effect by the Department, beginning with the 1963 crop.

The committee emphasizes that the resolution herewith reported will validate only those allotments which have been properly apprortioned from the State rice acreage allotment in good faith by the county committee but which might be subject to recall because of producer nonparticipation in the production of the crop. It would not validate any allotment subject to recall or cancellation because of duplication, forgery, bribery, intimidation, or practices which would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

In its interpretation of the resolution, the committee concurs completely with the construction placed on it by the Secretary of Agriculture in his report on the resolution.

COST

As indicated above, and in the Department's report, it is believed that adoption of the resolution will result in a saving to the Federal Government.

DEPARTMENTAL APPROVAL

Following is the letter from the Secretary of Agriculture stating that the Department has no objection to enactment of the legislation if it is interpreted as set out in the letter (with which interpretation the committee concurs).

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 25, 1963.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 30, 1963, for a report on House Joint Resolution 192, a resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The Department has no objection to the adoption of this resolution upon the understanding that the final paragraph of the resolution will be interpreted as hereinafter set out.

House Joint Resolution 192 would validate any producer rice acreage allotment found by the ASC county committee or State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 through 1962, inclusive, even though the allocation of any such producer allotment might be subject to recall and revocation (with comparable reduction in the total farm allotment) if the holder of such producer allotment has been found not to have been actively engaged in the production of rice on the farm. The resolution would not apply, however, if the allocation of the producer rice allotment to the farm is subject to recall or cancellation due to duplication, forgery, bribery, intimidation, or practices which would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

In order to prevent traffic in producer rice acreage allotments, the regulations governing the determination of farm rice acreage allotments have always provided that a producer may not allocate his producer allotment to a farm unless he will be engaged in the production of rice on the farm.

The term "engaged in the production of rice" is defined in the regulations as "actively participating as a producer in the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in the predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of furnishing as landowner or landlord the land on which the rice is being produced, or by furnishing as tenant or sharecropper the labor, water, or equipment necessary to produce and harvest the crop."

Beginning with the 1958 crop of rice, the regulations have provided that "If the county *or State* committee has reason to believe, after the establishment of any farm acreage allotment * * * that a tenant whose allotment acreage was allocated to such farm is not, *or was not,* in fact actively participating in the production of the rice crop *produced on the farm in such year,* a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, *or was,* actively engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee, *with State committee approval, or the State committee* finds that such tenant is not, *or was not,* actively participating in the

production of the rice crop on the farm, except where allocation was made for the purpose of participating in the conservation reserve program or for the preservation of acreage, and therefore *did* not actively engage in the production of rice on such farm *during the year in question*, the county committee shall, with approval of the State committee, recall such producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly." [Italic language added by amendment to regulations, approved March 21, 1962.]

On the basis of audits conducted in the rice-producing area of Texas and California, some producer rice acreage allotments now are subject to recall under the existing rice acreage allotment regulations. Several additional cases have come under question in California and are being investigated. Indications are that these violations in both Texas and California pertain not only to rice of 1962 production, but to that of several prior years.

In those cases where it may be determined that the allocation of the allotment for a producer should be recalled and the rice acreage allotment for the farm reduced, which adjustment then leaves the rice acreage on the farm in excess of the farm allotment, all of the producers on the farm, jointly and severally, become subject to marketing penalties.

At the present time the Department is endeavoring to enforce the provisions of the regulations in each case where it has been determined that the allocation of a producer's allotment to a farm should be recalled or revoked because the producer was not actually engaged in the production of rice on the farm. Because the 1962 crop was being harvested, or was practically ready for harvest at the time of discovery of the violations, and so as not to deter the orderly movement of the crop, investigation to determine the extent of liability to penalty was related initially only to the 1962 plantings.

As a general rule, two or more producers on the farm will be involved on the average rice farm in Texas and California. Thus, under such circumstances the recall or revocation of the allocation of one producer allotment on a farm is likely to make other producers on the farm jointly and severally liable for the marketing penalty computed for the farm, although in fact they did not contribute to the excess of rice plantings.

The violations of the regulations fall into two general categories. The typical situation in one category is where a producer who received a valid producer allotment allocated it to a farm, but the allocation became subject to recall because it was later determined that the producer was not engaged in the production of rice on the farm for the year in question. It is this type of situation to which we understand it is intended the resolution shall apply. The other type of situation is where a farmer, usually through the payment of money to an employee of a county ASCS office, obtained for his own use the allocation to a farm of the producer allotment of a producer who was a fictitious person or had already properly allocated his producer allotment to another farm in the same or a different county or had no knowledge of the allocation of his allotment to the farm. The payment to the ASCS county employee may have been a bribe or the farmer may have actually thought he could "lease" an allotment. In this situation, the allocation of the producer allotment most likely involved a fictitious allotment or a duplicated allotment which in

either case would tend to result in the total allotted acreage in the State being in excess of the State acreage allotment, less unallocated State reserve acreage. As we interpret the resolution, it would not apply to the situation in which a farmer obtained for his own use the allocation of the allotment of another producer by the payment of money to a county office employee. It would be helpful to the Department in carrying out our interpretation of the provisions of the resolution should it become law if the language of lines 5 through 10 on page 2 of the resolution were to be clarified by including in the committee's report on the resolution specific examples of the type of cases to which the resolution would not apply.

It is believed that the adoption of this proposed resolution would result in considerable savings to the Federal Government in administrative costs as well as saving from bankruptcy a considerable number of rice producers, including many who were not really responsible for any improper allocation. It would entail the loss to the Federal Government of some rice marketing quota penalties, but the amount of penalties collected would in all probability be offset by the costs of administrative and judicial proceedings necessary to effect collection.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

○

Union Calendar No. 249

88TH CONGRESS
1ST SESSION

H. J. RES. 192

[Report No. 595]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1963

Mr. THOMPSON of Texas introduced the following joint resolution; which was referred to the Committee on Agriculture

JULY 29, 1963

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been

validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

Union Calendar No. 245

88TH CONGRESS
1ST SESSION

H. J. RES. 192

[Report No. 595]

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

By Mr. THOMPSON of Texas

JANUARY 24, 1963

Referred to the Committee on Agriculture

JULY 29, 1963

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

H. J. RES. 192

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 6, 1963
For actions of August 5, 1963
88-1st; No. 119

CONTENTS

HIGHLIGHTS: House passed bill to add lands to Cache Forest. House passed bill to validate certain rice allotments. House committee reported area redevelopment bill. Rep. Sullivan inserted and discussed USDA report on sugar sepculation. Rep. Sisk spoke in favor of Cooley cotton bill. Rep. Hall charged "politics" in an ASC committee.

HOUSE

1. FORESTRY. Passed as reported S. 1388, to add certain lands to the Cache National Forest, Utah. pp. 13279-80

2. RICE ALLOTMENTS. Passed without amendment H. J. Res. 192, to validate certain rice acreage allotments which have been made in good faith by county ASC committees and used by producers prior to 1963, which may now be subject to recall due to technical violation of regulations. p. 13279

3. SUGAR SPECULATION. Rep. Sullivan inserted and discussed a report from this Department on sugar speculation in recent months. pp. 13272, 13319-30

4. AREA REDEVELOPMENT. The Banking and Currency Committee reported with amendment S. 1163, to amend certain provisions of the Area Redevelopment Act (H. Rept. 633). p. 13342

5. PUBLIC DEBT. The Ways and Means Committee reported without amendment H. R. 7824, to continue through November 30, 1963, the existing temporary increase in the

public debt limit set forth in Sec. 21 of the Second Liberty Bond Act (H. Rept. 634). p. 13342

6. LIBRARY SERVICES. The Education and Labor Committee reported with amendments H. R. 4879, to increase the Federal assistance for the improvement of public libraries under the Library Services Act (H. Rept. 635). p. 13342

7. COTTON. Rep. Sisk spoke in favor of H. R. 6196, the Cooley cotton bill, and inserted correspondence on this matter. p. 13303

8. ASC COMMITTEES. Rep. Hall charged "politics" in the operation of the Missouri ASC Committee. p. 13305

9. BUILDINGS. Received Public Works approval of certain public building projects in Wis., Ill., Mich, and N. Y. p. 13273

10. PACIFIC ISLANDS. Passed as reported H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands by authorizing any department to do such work at the request of the Interior Department, with or without reimbursement. pp. 13281-2

11. WATER RESOURCES. Passed as reported H. R. 1696, defining the interest of local public agencies in water reservoirs constructed by the Corps of Engineers which have been financed partially by such agencies. p. 13282

12. LUMBER TARIFF. Passed under suspension of the rules H. R. 1157, to exclude cargo which is lumber from certain tariff-filing requirements under the Shipping Act, 1916. Then vacated action on this bill and passed S. 1032 with an amendment to include the language of the House bill. pp. 13291-3

13. OCEANOGRAPHY RESEARCH. Passed under suspension of the rules H. R. 6997, to provide for a comprehensive, long-range, and coordinated national program in oceanography. pp. 13300-2

14. FARM LABOR. Rep. Talcott said elimination of the Mexican farm labor program would hurt small farmers most. p. 13331

15. BALANCE OF PAYMENTS. Rep. Curtis criticized the President's program to solve the balance-of-payments problem. pp. 13333-7

16. FOREIGN AID. Rep. Gonzalez inserted a statement by Adolph A. Berle commending the Alliance of Progress. pp. 13337-8

17. ELECTRIFICATION. Received from the Federal Power Commission a proposed bill "To amend section 202 (b) of the Federal Power Act with respect to the interconnection of electric facilities"; to Interstate and Foreign Commerce Committee. p. 13342

18. PRICE SUPPORTS; PERSONNEL. Received from Henry Stoner a petition to limit price supports and to resume publication of the Federal Register. p. 13343

19. LEGISLATIVE PROGRAM. The "Daily Digest" states that today, Aug. 6, the House will consider the Private Calendar and the vocational education bill. p. D602

and a rectory and several businesses and private residences are in danger, not to mention one of the main thoroughfares of the town.

The Chief of Engineers in March of 1957 approved construction of a bank protection project along Water Street, under the general authority provided by section 14 of the Flood Control Act of 1946, subject to certain items of local participation including a cash contribution of the construction cost in excess of the $50,000 Federal limitation specified by the act. The Chief of Engineers and the Secretary of the Army carefully investigated this matter, and the Secretary of the Army reported:

the city was unable to provide the required contribution.

Authority to construct the project was canceled in January 1958.

Since 1958, repeated and unsuccessful efforts have been made to raise the contribution locally. Severe floods along the Guyandotte River in March of 1963 cut away the river bank even more, and make it necessary to take action. The Secretary of the Army, in a letter dated July 3, 1963, reported:

Failure of the endangered length of Water Street would have serious consequences for the commercial, industrial, and residential interests of Barboursville.

The Committee on Public Works, in unanimously recommending the passage of H.R. 2671, pointed out:

Evidence presented to the committee clearly indicated the emergency nature of the situation at Barboursville, W. Va.

In view of the fact that, once constructed, this bank protection project will be maintained by local interests and not provide a burden on the U.S. Treasury, I urge enactment of H.R. 2671.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers is hereby authorized to construct such emergency protective works as he deems necessary to repair and restore the banks of the Guyandot River in the vicinity of Water Street in Barboursville, West Virginia, and to prevent further erosion thereof, at a total Federal cost of not to exceed $150,000. This works is authorized on the condition that local interests shall furnish all required lands or interests therein, hold and save the United States free from damages, and maintain and operate the works after completion.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SURVEY OF THE FRIO RIVER IN THE VICINITY OF THREE RIVERS, TEX.

The Clerk called the bill (H.R. 5478) authorizing a survey of the Frio River in the vicinity of Three Rivers, Tex., in the interest of flood control and allied purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I do not find in the report any estimate as to the cost of the survey. For the record, I would like to have someone indicate how much this is going to cost.

Mr. BALDWIN. Mr. Speaker, I asked that question of the Corps of Engineers at the hearing and their estimate was that it would cost approximately $75,000.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to cause a survey of the Frio River in the vicinity of Three Rivers, Texas, to be made under the direction of the Chief of Engineers in the interest of flood control and allied purposes.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SURVEY OF CEDAR BAYOU, TEX.

The Clerk called the bill (H.R. 6923) authorizing a survey of Cedar Bayou, Tex., in the interest of flood control and allied purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, again I do not find any record as to what the cost will be. I would like to have some indication as to that.

Mr. BALDWIN. Mr. Speaker, the estimate as to the cost of this survey is likewise $75,000.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to cause a survey of the Cedar Bayou, Texas, to be made under the direction of the Chief of Engineers in the interest of flood control, navigation, major drainage, and related water uses coordinated with related land resources.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATING CERTAIN RICE ACREAGE ALLOTMENTS

The Clerk called House Joint Resolution 192, relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF CACHE NATIONAL FOREST BOUNDARIES

The Clerk called the bill (S. 1388) to add certain lands to the Cache National Forest, Utah.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Cache National Forest, Utah, are hereby extended to include the following described lands:

A tract of land in the north half of the northeast quarter of section 24, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northeast corner of said section 24, and running thence south following the east line of said section 24 522.4 feet; thence north 65 degrees 16 minutes west 250.3 feet; thence along a regular curve to the left with a radius of 3,743.2 feet, for an arc distance of 1,606.0 feet; thence north 0 degrees 08 minutes east 78.9 feet to the north line of said section 24; thence south 89 degrees 52 minutes east along the section line 1,783.4 feet to the point of beginning, containing 10.2 acres.

A tract of land in sections 18 and 19, township 6 north, range 2 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 18 and running thence north 0 degrees 21 minutes east along the west line of said section 18, 3,960.0 feet; thence north 88 degrees 39 minutes east 150.0 feet; thence south 1 degree 22 minutes east 318.2 feet; thence north 88 degrees 38 minutes east 15.0 feet; thence south 1 degree 00 minutes east 137.0 feet; thence east 280.0 feet; thence south 159.0 feet;

thence north 88 degrees 49 minutes east 406.0 feet; thence south 51 degrees 20 minutes east 96.1 feet; thence south 71 degrees 13 minutes east 158.4 feet; thence south 54 degrees 15 minutes east 162.6 feet; thence south 25.0 feet; thence south 41 degrees 53 minutes east 233.7 feet; thence south 57 degrees 04 minutes east 408.1 feet;

thence north 88 degrees 39 minutes east 120.0 feet; thence south 1 degree 21 minutes

east 64.0 feet; thence south 67 degrees 27 minutes east 144.4 feet; thence north 1 degree 21 minutes west 59.1 feet; thence north 89 degrees 14 minutes east 58.7 feet; thence south 3 degrees 43 minutes east 228.1 feet;

thence east 55.5 feet; thence south 18 degrees 28 minutes east 139.2 feet; thence south 27 degrees 28 minutes east 332.6 feet; thence south 89 degrees 11 minutes east 131.3 feet; thence south 4 degrees 30 minutes east 494.1 feet; thence south 43 degrees 29 minutes east 307.2 feet; thence south 85 degrees 12 minutes east 145.9 feet;

thence south 4 degrees 45 minutes east 769.2 feet; thence south 3 degrees 48 minutes west 300.0 feet; thence westerly 70.0 feet, more or less; thence south 6 degrees 15 minutes east 235.0 feet; thence south 42 degrees 00 minutes east 115.2 feet; thence east 164.5 feet; thence south 9 degrees 00 minutes east 1,025.2 feet; thence south 54 degrees 00 minutes east 365.7 feet;

thence along a regular curve to the right with a radius of 1,850.08 feet for an arc distance of 1,126.0 feet, the tanget at the beginning of the curve bears south 64 degrees 09 minutes west; thence north 5 degrees 00 minutes east 61.8 fect; thence north 9 degrees 15 minutes east 400.0 feet; thence north 85 degrees 14 minutes west 1,191.0 feet; thence north 401.0 feet; thence south 82 degrees 20 minutes west 256.0 feet; thence south 31 degrees 38 minutes west 231.8 feet;

thence west 120.0 feet; thence south 1 degree 30 minutes west 204.6 feet; thence north 65 degrees 16 minutes west 766.7 feet to the west line of said section 19; thence north 522.4 feet to the point of beginning containing 246.0 acres.

A tract of land in the northwest quarter of the northeast quarter of section 13, township 6 north, range 1 east, Salt Lake base meridian, being more particularly described as follows:

Beginning at the southwest corner of said northwest quarter northeast quarter, from which point the north quarter corner of said section 13 bears north 0 degrees 57 minutes east 1,320.0 feet, and running thence north 0 degrees 57 minutes east along the west line of said northwest quarter northeast quarter 195.0 feet; thence north 65 degrees 04 minutes east 361.3 feet;

thence south 51 degrees 18 minutes east 284.6 feet; thence east 322.0 feet; thence south 170.0 feet, more or less, to the south line of said northwest quarter northeast quarter; thence north 89 degrees 57 minutes west 875.0 feet, more or less, to the point of beginning, containing 4.4 acres.

A tract of land in the southeast quarter of the southeast quarter of section 12 and the northeast quarter of the northeast quarter of section 13, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northeast corner of said section 13 and running thence south along the east line of said section 13 576.0 feet to a point on the north line of First Street of the Huntsville townsite; thence south 88 degrees 39 minutes west 473.3 feet; thence north 0 degrees 07 minutes east 75.0 feet;

thence north 61 degrees 26 minutes west 496.4 feet; thence north 4 degrees 53 minutes west 284.7 feet to a point on the south line of section 12; thence continuing north 4 degrees 53 minutes west 349.3 feet; thence north 9 degrees 37 minutes east 196.5 feet;

thence east 40.0 feet; thence north 2 degrees 47 minutes east 120.0 feet, more or less, to the north line of the south half southeast quarter southeast quarter of section 12; thence east along said line, 900.0 feet, more or less, to the east line of said section 12, thence south 0 degrees 21 minutes west 660.0 feet to the point of beginning, containing 24.9 acres.

A tract of land in the southwest quarter of the southwest quarter of section 6 and in the west half of section 7 and in the north half of the northwest quarter of section 18, township 6 north, range 2 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 7 and running thence north 0 degrees 21 minutes east along the section line 5,280.0 feet to the southwest corner of said section 6; thence continuing north along the section line 1,320.0 feet, thence east 1,320.0 feet; thence south 1,320.0 feet to the north line of said section 7;

thence south 3,960.0 feet; thence north 88 degrees 43 minutes east 500.0 feet; thence south 3 degrees 00 minutes east 1,232.0 feet; thence south 71 degrees 24 minutes west 301.3 feet to the south line of said section 7; thence south 24 degrees 44 minutes west 310.2 feet; thence south 130.5 feet; thence south 88 degrees 39 minutes west 335.25 feet;

thence north 130.5 feet; thence south 88 degrees 08 minutes west 121.5 feet; thence north 76.0 feet; thence south 88 degrees 27 minutes west 414.9 feet; thence south 6 degrees 45 minutes east 192.0 feet; thence west 100.0 feet; thence south 34 degrees 02 minutes west 220.0 feet; thence south 88 degrees 39 minutes west 419.1 feet to west line of said section 18; thence north 576.0 feet to the point of beginning, containing 230 acres, more or less.

A tract of land in sections 1, 2, 3, and 12, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northwest corner of said section 2 and running thence east along the section line 5,280.0 feet to the northwest corner of said section 1; thence east along the section line 5,280.0 feet to the northeast corner of said section 1; thence south along the section line 5,280.0 feet to the northeast corner of said section 12; thence south along the section line 1,320 feet;

thence west 1,320.0 feet; thence north 1,320.0 feet to a point on the south line of said section 1; thence west along the section line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to a point on the east line of said section 2; thence south along the section line 2,640.0 feet; thence west 1,320.0 feet; thence south 1,320.0 feet to a point on the south line of said section 2;

thence west along the section line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to the east line of said section 3; thence west 3,960.0 feet; thence north 1,320.0 feet to the north line of said section 3; thence east along the section line 3,960.0 feet to the point of beginning, containing 920.0 acres.

A tract of land in the south half of the south half of section 36, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southeast corner of said section 36 and running thence north along the west line of said section 36 1,320.0 feet; thence east 3,300.0 feet; thence south 1,320.0 feet to the south line of said section 36; thence west along said south line 3,300.0 feet to the point of beginning, containing 100 acres.

A tract of land in the south half of section 34, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southeast corner of said section 34 and running thence north along the east line of said section 34 1,980.0 feet; thence west 3,960.0 feet; thence south 1,980.0 feet to the south line of said section 34; thence east along said south line 3,960.0 feet to the point of beginning, containing 180 acres.

SEC. 2. All lands of the United States within such extended boundaries together with all federally owned lands within the former forest boundary which are included within the enlarged Pineview Reservoir site in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, and 24, township 6 north, range 1 east, sections 6, 7, 18, and 19, township 6 north, range 2 east, and sections 34 and 36, township 7 north, range 1 east, Salt Lake base and meridian, and including any lands within such boundaries hereafter acquired by the United States in connection with the Weber Basin project, shall hereafter be national forest lands subject to the laws, rules, and regulations applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided*, That none of these lands shall be sold, exchanged, or otherwise be disposed of by the Secretary of Agriculture without the approval of the Secretary of the Interior and any revenue from disposal so authorized shall be credited pursuant to reclamation law.

SEC. 3. (a) The Secretary of Agriculture shall make available, from the lands referred to in the foregoing sections of this Act, to the Bureau of Reclamation of the Department of the Interior, such lands as the Secretary of the Interior finds are needed in connection with the Weber Basin and Ogden River reclamation projects, and shall include particularly as a minimum area needed for such project, all the normal water surface area of the Pineview Reservoir and an adjacent border strip extending out from such water surface area a minimum horizontal distance of 100 feet around said reservoir, and in addition all the reclamation acquired land in section 16, township 6 north, range 1 east.

(b) The Secretary of the Interior is authorized to enter into such agreements with the Secretary of Agriculture with respect to the relative responsibilities of the aforesaid Secretaries for the administration of, as well as accountings for and use of revenues arising from, lands made available to the Bureau of Reclamation of the Department of the Interior pursuant to subsection (a) as the Secretary of the Interior finds to be proper in carrying out the purpose of this Act.

With the following committee amendment:

Page 8, line 9, strike out "southeast" and insert "southwest".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CERTAIN VESSEL CONSTRUCTION EXPENSES

The Clerk called the bill (H.R. 82) to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, this bill is scheduled for consideration under suspension of the rules today, as I understand it. I think this is an important enough legislative proposal so that it should be on the floor for consideration and for debate. Therefore, I withdraw my reservation and ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

H. J. RES. 192

88TH CONGRESS
1ST SESSION

H. J. RES. 192

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 1963

Read twice and referred to the Committee on Agriculture and Forestry

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have

been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery. bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

Passed the House of Representatives August 5, 1963.

Attest: RALPH R. ROBERTS,

Clerk.

88TH CONGRESS
1ST SESSION

H. J. RES. 192

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

AUGUST 6, 1963
Read twice and referred to the Committee on Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued Sept. 19, 1963
For actions of Sept. 18, 1963
88th-1st; No. 148

CONTENTS

HIGHLIGHTS: Several Senators debated merits of sale of Canadian wheat to Russia. Rep. Cramer criticized administration for not protesting sale of Canadian wheat to Russia. Senate committee reported nomination of Mehren to be member of CCC Board. Senate committee reported bill to validate certain rice acreage allotments. Sen. Lausche submitted amendment to USDA appropriation bill to tie interest rates on REA loans to those of U. S. marketable obligations. Reps. Alger and Lipscomb urged passage of legislation prohibiting Government news service.

SENATE

1. RICE ALLOTMENTS. The Agriculture and Forestry Committee reported without amendment H. J. Res. 192, to validate certain rice acreage allotments which have been made in good faith by county ASC committees and used by producers prior to 1963, which may now be subject to recall due to technical violation of regulations (S. Rept. 503). p. 16449

2. NOMINATION. The Agriculture and Forestry Committee reported the nomination of Assistant Secretary George L. Mehren to be a member of the Board of Directors of CCC. p. 16449

3. REA LOANS; APPROPRIATIONS. Sen. Lausche submitted an amendment intended to be proposed to the agriculture appropriation bill for 1964 to repeal the present 2% interest rate on REA loans and provide that such loans shall bear interest at a rate equal to the average rate of interest payable by the U.S. on its

marketable obligations, having maturities of ten or more years, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of one percent. p. 16452

4. WHEAT; FOREIGN TRADE. Several Senators debated the merits of the sale by Canada of 239 million bushels of wheat to Russia. Sen. Proxmire expressed shock and contended that Russia did not need the wheat for domestic consumption but would use it "to continue to have economic influence and domination over its satellites by using such wheat for export." Sen. Keating expressed concern that much of the wheat would go to Cuba and adversely affect our efforts for an economic blockade of Cuba. Sen. Mansfield stated that to the best of his knowledge "there has been no approval in Washington of what Canada has done in connection with this wheat deal." Sen. Aiken stated that instead of "constantly complaining, we should make some suggestions about what to do about the situation." pp. 16467-70

5. NUCLEAR TEST BAN TREATY. Continued debate on ratification of the nuclear test ban treaty (pp. 16452, 16462-3, 16487-525, 16526-36). Agreed to vote on ratification of the treaty Tues., Sept. 24 (pp. 16506, 16526).

6. FOREIGN TRADE. Sen. Humphrey urged that the U. S. take the initiative in the coming session of the United Nations General Assembly in exploring possibilities of expanding East-West trade, stating that the Russian-Canadian wheat deal indicates that there are very definite possibilities for extending such trade in nonstrategic products and that the "time for exploring the possibility of increased East-West trade has arrived." pp. 16536-41

7. ADMINISTRATIVE PROCEDURE. Sen. Mansfield inserted an article by Sen. Long (Mo.) "concerning the delay and cost that all too often are involved in administrative proceedings before governmental agencies." pp. 16472-4.

8. BUDGETING. Sen. Proxmire inserted an editorial assessing the recommendations of the Statistics Subcommittee of the Joint Economic Committee for reform of the Federal budget. p. 16461

9. FORESTRY. Sen. Mansfield commended the corps of smokejumpers at the Forest Service smokejumping center at Missoula, Mont., and inserted an article describing the work of these employees. pp. 16458-9

10. CREDIT UNIONS. Received from HEW a proposed bill "to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations"; to Banking and Currency Committee. p. 16448

HOUSE

11. TAXATION. The Rules Committee granted a closed rule for consideration of H. R. 8363, the proposed Revenue Act of 1963 providing for reductions in corporate and individual income taxes. (p. D729). Rep. Rousch expressed his support for the bill (p. 16431). Rep. Curtis defended Republican opposition to the bill (pp. 16439-40).

12. WHEAT; FOREIGN TRADE. Rep. Cramer criticized the administration for not protesting the sale of Canadian wheat to Russia, stating that $33 million of the wheat will be shipped directly from Canada to Cuba. p. 16437

13. FARM LABOR. Rep. Gonzalez opposed extension of the Mexican farm labor program. pp. 16433-4, 16438

Calendar No. 482

88TH CONGRESS
1st Session

SENATE

REPORT
No. 503

VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

SEPTEMBER 18, 1963.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany H.J. Res. 192]

The Committee on Agriculture and Forestry, to whom was referred the joint resolution (H.J. Res. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years, having considered the same, report thereon with a recommendation that it do pass without amendment.

SHORT EXPLANATION

This resolution would confirm all 1956 through 1962 crop rice acreage allotments which were properly apportioned on the basis of producer history and allocated to the farm by the county committee in good faith. It would not confirm allotments obtained by duplication, forgery, bribery, or intimidation, nor would it confirm allotments obtained through practices that would result in the total allotted acreage exceeding the State acreage allotment, less any unallocated reserve acreage. The resolution is designed to relieve farmers from the effects of technical irregularities, but not to forgive intentional wrongdoing. It would be applicable only in States where rice allotments are made on the basis of the producer's history of rice production.

BACKGROUND

In States in which farm rice acreage allotments are based on producer history, the regulations for the 1956 through 1962 crops required the producer to contribute land, labor, water, or equipment to the production of rice on the farm for a predetermined and fixed portion of the crop in order to qualify as a producer on the farm. If he was not a producer on the farm, his production history could not be counted in determining the farm allotment. At about the time the 1962 crop was ready for harvest, it was discovered that this

regulation was not well understood by farmers or county committees, and it appeared that a substantial number of farmers in Texas were not contributing land, labor, water, or equipment for a share in the crop as required. Subsequently it was discovered that a few farmers in other producer allotment areas were in a similar position. They may have contributed equipment which was not used, or have taken a flat payment per acre instead of taking a share of the crop, or have made other arrangements which for one reason or another did not meet the requirements of the regulations. Since the 1962 crop was not harvested at the time the irregularities first came to public attention, many farmers were able to adjust their arrangements so as to come into compliance with the regulations. Out of 202 producers initially suspected by the Department of being directly involved in this type of irregularity in Texas for the 1962 crop, the State committee had cleared 194 as of May 13, 1963.

The Department's investigations indicate that the number directly involved in such transactions in Texas during each of the years 1958 through 1961 could also come to about 200. The State committee is currently precluded by court order from taking any adverse action against any producer and consequently has not examined these earlier cases; but there is a question as to whether producers could adjust their arrangements and clear their operations for the earlier years. Any adjustment downward of any farm rice acreage allotment would affect all producers on the farm, including those not involved in any irregularity.

One of the Department of Agriculture witnesses at the House hearing testified at page 15 as to the Department's position as follows:

> * * * We feel that probably the best way to straighten out this situation is by action of the Congress permitting us to disregard cases of technical violations which occurred in prior years.
>
> I think a lot of this involved misunderstandings on the part of the producers as well as county office personnel. I also think that the Department was at fault in some respects. We did not check on the operations of this program close enough.

In his report on the resolution, the Secretary estimates that the costs involved in seeking to collect marketing penalties in these cases would be greater than the amount of penalties that might be collected and that collection of the penalties might result in bankruptcy of a considerable number of rice producers.

CASES NOT COVERED

In addition to the type of case discussed above, the Department's investigations revealed a number of cases in which county or State ASC employees were involved and in which the allotment was fictitious or had already been allotted elsewhere. About 40 producers are involved in these cases. These allotments would not be confirmed by the resolution, nor would allotments obtained by forgery, bribery, or intimidation be confirmed.

One of the Department's witnesses at the House hearing described the two general types of cases at page 20 as follows:

> Mr. Chairman, basically there are two kinds of cases involved here. One is where a rice farmer makes some sort of arrangement with another rice farmer to farm together the rice acreage of the one who is not interested actively in farming it. In some cases, I think the farmer just made an outright purchase or lease of that allotment, and there was no intention on the other farmer's part that he would actually be engaged in the rice production.
>
> In other cases they made an operating agreement of some kind—in many cases called a partnership which may or may not have been a bona fide partnership, but in all of these kinds of cases, as we interpret the resolution, it says that if that allotment was properly allocated in the first instance and the State and county committees approved it, those allotments would be valid and we could not then come in under our present regulation and inquire into the facts of whether both producers are really, actually producing rice.
>
> That is the kind of case we understand this resolution is intended to cover. The other type of case is where the farmer wants more allotment.
>
> In most cases—of course, you cannot generalize too much—in most cases the farmer would go to the county office. He would ask the county office manager, "Is there any possibility of my getting any more allotment?" And the county office manager would say, "Well, come back and see me Saturday, perhaps."
>
> Then he would come in on Saturday and the county office manager would say, "Well, I can get you 30 acres of allotment from the adjoining county, transferring it over here, belonging to John Doe," let us say.
>
> And he would say, "It will cost you $20 an acre per year."
>
> What happens? The farmer is agreeable to that. He pays the money to the county office manager for delivery to the other farmer but, in fact, the county office manager sticks it in his pocket. The allotment he brings over is either fictitious or has already been allocated somewhere else.
>
> In some cases the farmer may be innocent. I mean, he may not be trying to bribe anybody. But he is getting additional allotment which is strictly contrary to our regulation.
>
> It is this kind of case—in fact, we have had two county office managers in Texas indicted for violation of the Federal criminal law for accepting money under these circumstances.
>
> Another man—a field man who is technically an employee of the State office—has been so indicted. Two other county office managers we thought were involved have died in the meantime.
>
> It is this type of case in which our own people have accepted money from farmers that, as we interpret the bill, would not be covered by the resolution. And that is what we would like to have spelled out in the report to be sure that our understanding of the bill is correct. * * * We think in

most of those cases that the farmer who bought the acreage, even though he may have been assured by the county office manager that it was all right, knew there was something wrong about it.

The resolution is designed only to apply to those cases where the irregularity consists of failure to engage in the production of rice as defined in the Department's regulations, and not to this second type of case.

DEPARTMENTAL VIEWS

The report of the Department of Agriculture stating that it has no objection to this resolution follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 25, 1963.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 30, 1963, for a report on House Joint Resolution 192, a resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The Department has no objection to the adoption of this resolution upon the understanding that the final paragraph of the resolution will be interpreted as hereinafter set out.

House Joint Resolution 192 would validate any producer rice acreage allotment found by the ASC county committee or State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 through 1962, inclusive, even though the allocation of any such producer allotment might be subject to recall and revocation (with comparable reduction in the total farm allotment) if the holder of such producer allotment has been found not to have been actively engaged in the production of rice on the farm. The resolution would not apply, however, if the allocation of the producer rice allotment to the farm is subject to recall or cancellation due to duplication, forgery, bribery, intimidation, or practices which would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

In order to prevent traffic in producer rice acreage allotments, the regulations governing the determination of farm rice acreage allotments have always provided that a producer may not allocate his producer allotment to a farm unless he will be engaged in the production of rice on the farm.

The term "engaged in the production of rice" is defined in the regulations as "actively participating as a producer in the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in the predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of furnishing as landowner or landlord the land on which the rice is being produced, or by furnishing as tenant or sharecropper the labor, water, or equipment necessary to produce and harvest the crop."

Beginning with the 1958 crop of rice, the regulations have provided that "If the county *or State* committee has reason to believe, after the establishment of any farm acreage allotment * * * that a tenant whose allotment acreage was allocated to such farm is not, *or was not*, in fact actively participating in the production of the rice crop *produced on the farm in such year*, a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, *or was*, actively engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee, *with State committee approval, or the State committee* finds that such tenant is not, *or was not*, actively participating in the production of the rice crop on the farm, except where allocation was made for the purpose of participating in the conservation reserve program or for the preservation of acreage, and therefore *did* not actively engage in the production of rice on such farm *during the year in question*, the county committee shall, with approval of the State committee, recall such producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly." [Italic language added by amendment to regulations, approved March 21, 1962.]

On the basis of audits conducted in the rice-producing area of Texas and California, some producer rice acreage allotments now are subject to recall under the existing rice acreage allotment regulations. Several additional cases have come under question in California and are being investigated. Indications are that these violations in both Texas and California pertain not only to rice of 1962 production, but to that of several prior years.

In those cases where it may be determined that the allocation of the allotment for a producer should be recalled and the rice acreage allotment for the farm reduced, which adjustment then leaves the rice acreage on the farm in excess of the farm allotment, all of the producers on the farm, jointly and severally, become subject to marketing penalties.

At the present time the Department is endeavoring to enforce the provisions of the regulations in each case where it has been determined that the allocation of a producer's allotment to a farm should be recalled or revoked because the producer was not actually engaged in the production of rice on the farm. Because the 1962 crop was being harvested, or was practically ready for harvest at the time of discovery of the violations, and so as not to deter the orderly movement of the crop, investigation to determine the extent of liability to penalty was related initially only to the 1962 plantings.

As a general rule, two or more producers on the farm will be involved on the average rice farm in Texas and California. Thus, under such circumstances the recall or revocation of the allocation of one producer allotment on a farm is likely to make other producers on the farm jointly and severally liable for the marketing penalty computed for the farm, although in fact they did not contribute to the excess of rice plantings.

The violations of the regulations fall into two general categories. The typical situation in one category is where a producer who received a valid producer allotment allocated it to a farm, but the allocation

became subject to recall because it was later determined that the producer was not engaged in the production of rice on the farm for the year in question. It is this type of situation to which we understand it is intended the resolution shall apply. The other type of situation is where a farmer, usually through the payment of money to an employee of a county ASCS office, obtained for his own use the allocation to a farm of the producer allotment of a producer who was a fictitious person or had already properly allocated his producer allotment to another farm in the same or a different county or had no knowledge of the allocation of his allotment to the farm. The payment to the ASCS county employee may have been a bribe or the farmer may have actually thought he could "lease" an allotment. In this situation, the allocation of the producer allotment most likely involved a fictitious allotment or a duplicated allotment which in either case would tend to result in the total allotted acreage in the State being in excess of the State acreage allotment, less unallocated State reserve acreage. As we interpret the resolution, it would not apply to the situation in which a farmer obtained for his own use the allocation of the allotment of another producer by the payment of money to a county office employee. It would be helpful to the Department in carrying out our interpretation of the provisions of the resolution should it become law if the language of lines 5 through 10 on page 2 of the resolution were to be clarified by including in the committee's report on the resolution specific examples of the type of cases to which the resolution would not apply.

It is believed that the adoption of this proposed resolution would result in considerable savings to the Federal Government in administrative costs as well as saving from bankruptcy a considerable number of rice producers, including many who were not really responsible for any improper allocation. It would entail the loss to the Federal Government of some rice marketing quota penalties, but the amount of penalties collected would in all probability be offset by the costs of administrative and judicial proceedings necessary to effect collection.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

○

Calendar No. 482

88TH CONGRESS
1ST SESSION

H. J. RES. 192

[Report No. 503]

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 1963

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 18, 1963

Reported by Mr. JOHNSTON, without amendment

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have

been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

Passed the House of Representatives August 5, 1963.

Attest: RALPH R. ROBERTS,

Clerk.

Calendar No. 482

88TH CONGRESS
1ST SESSION

H. J. RES. 192

[Report No. 503]

JOINT RESOLUTION

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

AUGUST 6, 1963

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 18, 1963

Reported without amendment

H. J. RES. 192

11. RICE. Passed over, at the request of Sen. Williams (Del.), H. J. Res. 192, to make valid certain rice acreage allotments for 1962 and prior crop years. pp. 17070-1

12. LANDS; URBAN DEVELOPMENT. Sen. Williams (N.J.) inserted a speech by the Administrator of the Housing and Home Finance Agency urging the development of a national policy dealing with open space and the orderly development of urban land. pp. 17113-5

HOUSE

13. FOREIGN TRADE. Rep. Findley opposed expanding U. S. trade with Russia in agricultural commodities and expressed his opinion that there was not a recent crop failure there. p. 17204

14. TAXATION. By a vote of 271 to 155, passed with amendments H. R. 8363, the proposed Revenue Act of 1963 providing for reductions in corporate and individual income taxes (pp. 17122-97). By a vote of 199 to 226, defeated a motion to recommit the bill with instructions to include an amendment by Rep. Byrnes (Wisc.), requiring an official pronouncement from the President that the level of spending this year will not go above $97 billion (p. 17196).

15. APPROPRIATIONS. Received the conference report on H. R. 5888, the Labor-Health, Education and Welfare Departments and related agencies appropriation bill, 1964 (H. Rept. 774). (pp. 17119-21). As reported, the bill includes provisions as follows:

Appropriates $110 million for manpower development and training activities as proposed by the Senate instead of $140 million as proposed by the House.

Appropriates $8,500,000 for area redevelopment rather than $9 million as proposed by the House and $8 million as proposed by the Senate.

Appropriates $870,000 as proposed by the House for Mexican farm labor compliance activities rather than $1,387,250 as proposed by the Senate.

Appropriates $150,000 for trade adjustment as proposed by the Senate rather than $4 million as proposed by the House.

Appropriates $2 million for research and training in vocational rehabilitation under special foreign currency program as proposed by the House instead of $3 million as proposed by the Senate.

Deletes $1,441,000 proposed by the Senate for an environmental (pollution) health center.

Appropriates $28,405,000 for communicable disease activities, including $3 million for mosquito eradication.

Appropriates $19,145,000 for radiological health as proposed by the Senate instead of $18,745,000 as proposed by the House.

Appropriates $28,980,000 for water supply and water pollution instead of $27,921,000 as proposed by the House and $29,980,000 as proposed by the Senate.

Restores House language limiting to 20% the funds that may be paid to a recipient of a research grant for indirect expenses as compared with direct costs of such grant.

Restores language proposed by the House prohibiting the use of any funds contained in the bill for any program related to the establishment of a National Service Corps.

16. ASSISTANT SECRETARY. Consented to give the minority members of the Agriculture Committee until Midnight, Sept. 30, to file a minority report on H. R. 3850, to authorize an additional Assistant Secretary of Agriculture. p. 17122

17. TEXTILES. Rep. Kornegay announced that Rep. Whitener was attending the International Textile Exposition at Hanover, Germany, together with a delegation of North Carolina textile executives. p. 17201

18. FARM LABOR. Rep. Gonzalez inserted an article critical of the Mexican farm labor program. p. 17204

19. LANDS. The Government Operations Committee voted to report (but did not actually report) without amendment S. 876, to authorize GSA to convey a tract of land, formerly under the jurisdiction of the Agricultural Research Service, in Prince Georges County, Md., to the American National Red Cross. p. D748

20. TRAVEL COSTS. The Government Operations Committee reported with amendment H. R. 1959, to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska (H. Rept. 771); and without amendment H. R. 4460, to amend section 7 of the Administrative Expenses Act, pertaining to the travel expenses of student trainees (H. Rept. 772) p. 17213

The "Daily Digest" states that the Government Operations Committee passed over without prejudice H. R. 5929, to provide for the payment of travel cost for applicants invited by a department to visit it for purposes connected with employment. p. D748

21. RECORDS. The Government Operations Committee voted to report (but did not actually report) without amendment H. R. 4801, regarding certification of facts based upon transferred records. p. D748

22. RECREATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. J. Res. 17, to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in Wyo. and Utah, as "O'Mahoney Lake and Recreation Area." p. D748

23. LEGISLATIVE PROGRAM. Rep. Albert announced that the House would call up the conference report on H. R. 4888, the Labor-HEW appropriation bill, on Thurs. Sept. 26. p. 17197

ITEMS IN APPENDIX

24. CONSUMERS. Extension of remarks of Sen. McIntyre inserting an address by Dr. Helen G. Canoyer, "The President's Consumer Advisory Council." pp. A6031-3

25. ELECTRIFICATION. Extension of remarks of Sen. Edmondson inserting James Patton's address before the Farmer-Labor Conference in which he defended the family farmer and REA programs. pp. A6033-6

Extension of remarks of Rep. Saylor criticizing Bonneville Power Administrator Luce's speech regarding BPA's relationship with the Idaho Power Co. pp. A6063-4

26. FARM LABOR. Extension of remarks of Rep. Leggett inserting an article, "Youth Farmwork Programs Gain Momentum." pp. A6043-4

27. WATER POLLUTION. Extension of remarks of Rep. McFall inserting Rep. Monagan's speech outlining the national water pollution problem and providing guidelines for measures to deal with it. pp. A6045-7

portation from other than the designated countries of alcoholic beverages labeled as "Scotch", "Canadian" whisky, or "Cognac", or any other words connoting, indicating or commonly associated with the place of origin of these products.

The Federal Alcohol Administration regulations state:

1. Scotch whisky is "a distinctive product of Scotland, manufactured in compliance with the laws of Great Britain regulating the manufacture of Scotch whisky for consumption in Great Britain."

2. Irish whisky is "a distinctive product of Ireland, manufactured either in the Irish Free State or in Northern Ireland, in compliance with the laws regulating the manufacture of Irish whisky for home consumption."

3. Canadian whisky is "a distinctive product of Canada, manufactured in Canada in compliance with the laws of Canada regulating the manufacture of whisky for consumption in Canada."

4. Cognac or Cognac grape brandy is "grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government."

Inasmuch as the foregoing treatment is afforded to other whiskys that are distinctive products of their countries and since Bourbon is recognized by the International Federation of Manufacturing Industries and Wholesale Trades in Wines, Spirits, and Liqueurs as a distinctive product of the United States, the proposed amendment to prohibit the importation of any whisky labeled as Bourbon is consonant with the recognition which should properly be accorded to Bourbon.

The International Federation of Manufacturing Industries and Wholesale Trades in Wines, Spirits and Liquers (Federation Internationale des Industries et du Commerce en Gros des Vins, Spiritueux, Eaux-de-Vie et Liqueurs) is a worldwide organization composed of 40 trade associations from 17 European member countries and the United States. Most member associations hold quasi-governmental, semiofficial status in their home countries.

The constitution of the International Federation provides that members will protect the products of other member countries in accordance with the laws and regulations of the producing countries.

This protection comes about after (1) the Federation grants an "appellation of origin" to a particular product, declaring that the product is distinctive to its country and can only be produced in that country if it is to be recognized as genuine; (2) the specific country enacts a law, regulation, or resolution which also declares its home product to be distinctive and genuine only if produced domestically.

An "appellation of origin" was granted Bourbon as a distinctive product of the United States at the 10th session of the executive committee of the International Federation, November 23–24, 1960. However, the Federation cannot proceed to enforce this regulation in member countries unless the United States itself has a law or regulation as is embodied in Senate Concurrent Resolution 19.

The United Kingdom has such a law, declaring that Scotch whisky is a distinctive product of Scotland and can only be produced in Scotland.

Canada has such a law, declaring that Canadian whisky is a distinctive product of Canada and can only be produced in Canada.

Ireland has such a law, declaring that Irish whisky is a distinctive product of Ireland and can only be produced in Ireland.

The U.S. regulatory history covering protection of appellation of origin of distilled spirits products follows:

In 1941 a U.S. Treasury Department decision barred the marketing of a product labeled "California Cognac." Upon petition of the French Government, the Federal Alcohol Administration moved to prohibit the use of the name "Cognac" for any product other than that made in the French Cognac region. The Treasury Department ruled that the goodwill and commercial worth of the name "Cognac" derives entirely from the efforts of its French producers.

Basic regulatory law regarding the use of the name "Scotch" was established by an Internal Revenue Service ruling against an Illinois distiller. The IRS held that the Illinois producer could not label his product "Scotch," but only "Scotch type" whisky.

Then, in May 1961, the Alcohol and Tobacco Tax Division further extended U.S. protection of the "Scotch" name. The Division issued a final order barring even the use of "Scotch type" on any whisky product not manufactured in Scotland. The ruling also prohibits use of the terms "Highland," "Highlands," or any other "words connoting, indicating, or commonly associated with Scotland."

Similar protection is now provided against any use of the terms "Irish type" or "Canadian type" for those distinctive national products.

Senate Concurrent Resolution 19 is therefore based on providing our own native whisky the same protection under our own laws that we now give foreign products.

The preamble was amended, so as to read:

Whereas it has been the commercial policy of the United States to recognize marks of origin applicable to alcoholic beverages imported into the United States; and

Whereas such commercial policy has been implemented by the promulgation of appropriate regulations which, among other things, establish standards of identity for such imported alcoholic beverages; and

Whereas among the standards of identity which have been established are those for "Scotch whisky" as a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of Great Britain regulating the manufacture of Scotch whisky for consumption in Great Britain and for "Canadian whisky" as a distinctive product of Canada manufactured in Canada in compliance with the laws of the Dominion of Canada regulating the manufacture of whisky for consumption in Canada and for "cognac" as grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government; and

Whereas "Bourbon whiskey" is a distinctive product of the United States and is unlike other types of alcoholic beverages, whether foreign or domestic; and

Whereas to be entitled to the designation "Bourbon whiskey" the product must conform to the highest standards and must be manufactured in accordance with the laws and regulations of the United States which prescribe a standard of identity for "Bourbon whiskey"; and

Whereas Bourbon whiskey has achieved recognition and acceptance throughout the world as a distinctive product of the United States: Now, therefore, be it

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The concurrent resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SMATHERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SPECIAL TEMPORARY AUTHORIZATIONS FOR 60 DAYS FOR CERTAIN NONBROADCAST OPERATIONS

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 477, Senate bill 1005.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1005) to amend paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain nonbroadcast operations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 498), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

This bill would amend paragraph (2)(G) of subsection (c) of section 309 of the Communications Act so as to permit the Federal Communications Commission to grant special temporary authorizations (STA), for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of an application for regular operation. This bill was introduced by Senator WARREN G. MAGNUSON at the request of the FCC. On September 4, 1963, a hearing was held thereon at which the Chairman of the Federal Communications Commission, E. William Henry, testified in support thereof. No witness appeared in opposition to the bill.

Under the provisions of the Communications Act, applications filed with the Commission must be on file for 30 days before the Commission can act on them. In order to permit the Commission to authorize immediate operation or short-term operations where facts warrant such action, paragraph (2)(G) of subsection (c) of section 309 exempts those applications made for a special temporary authorization for nonbroadcast operations not to exceed 30 days where no application for regular operation is contemplated to be filed or pending the filing of an application for regular operation. The Commission has found the 30-day limitation on special temporary authorizations inadequate in those cases where the short-term operation involves a radio system for which an application for regular operation is filed later. When the application for regular operation is filed, the 30-day waiting period automatically takes effect and the Commission must, therefore, wait the 30 days before it can act on the application.

The Federal Communications Commission's proposal will not change the 30-day

limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. It is in this area that the 30-day limitation is appropriately applied, since its purpose is to permit short-term radio operation in the nonbroadcast field without the delay of a 30-day waiting period (as provided in subsec. 309(b)), after the issuance of public notice by the Commission of the acceptance for filing of such application.

In those cases where the short-term operation relates to a radio system for which an application for regular operation is filed later, however, this purpose is frustrated because the provisions of section 309(b) are applicable and a 30-day waiting period is required before the Commission can act on the application for regular operation. As a result, there is a hiatus between the expiration of the special temporary authorization and the Federal Communications Commission's grant of the application for regular operation during which the applicant is unlicensed and, as a consequence, he is unable to operate his radio. Moreover, it does not appear that the Federal Communications Commission has the authority to remedy this statutory defect by renewing the special temporary authorization until it can grant the application for regular operation.

The bill herein reported would permit the Commission to grant special temporary authorizations for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of application for regular operation while leaving unchanged the 30-day limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. Thus, the hiatus which now exists in those cases where an application for regular operation is subsequently filed would be eliminated.

Mr. JAVITS. Mr. President, what is the bill all about? Does it have anything to do with campaigns or debates?

Mr. SMATHERS. Mr. President, the bill has nothing to do with campaigns. It is a change requested by the administration. The bill was introduced by the Senator from Rhode Island [Mr. PASTORE] and approved unanimously by the Committee on Commerce and the subcommittee headed by the Senator from Rhode Island [Mr. PASTORE]. It has been cleared by the leadership on both sides of the aisle.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c)(2)(G)), is amended to read as follows:

"(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or".

FILING OF PETITIONS OF INTERVENTION UNDER COMMUNICATIONS ACT OF 1934

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 478, Senate bill 1193.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1193) to amend section 307(e) of the Communications Act of 1934, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SMATHERS. Mr. President, the proposal is a technical change requested by the Federal Communications Commission. It was unanimously supported by all members of the Committee on Commerce, including Senators on both sides of the aisle. It has been cleared by the leadership on both sides of the aisle.

I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 499), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of S. 1193 is to amend section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), to require a party in interest who wishes to intervene in a hearing to signify his intention to do so not more than 30 days after publication of the hearing issues, or any substantial amendment thereto, in the Federal Register.

GENERAL STATEMENT

This bill was introduced by Senator WARREN G. MAGNUSON at the request of the Federal Communications Commission. A hearing thereon was held on September 4, 1963, at which the Federal Communications Commission Chairman, E. William Henry, testified in support of the proposal. No witness appeared in opposition to the bill.

Under the present provisions of the Communications Act of 1934, as amended, when an application has been designated for hearing, any party in interest who has not been notified of the designation for hearing can acquire the status of a party to the proceeding by filing a petition for intervention showing the basis for his interest at any time not less than 10 days prior to the actual start of the hearing. According to the Commission, the present procedure which permits filings up until 10 days prior to the date of the hearing has interfered with the expeditious handling and disposition of hearing cases.

The Commission contends that the enactment of S. 1193 would enhance the effectiveness of the prehearing conference which is one of the chief techniques for expediting the formal hearing. Their experience shows that prehearing discussions and negotiations, and the stipulations and agreements of the parties reached as a result thereof, are an effective means of insuring not only an expeditious hearing, but as well, that the hearing record may be kept down in size to the minimum consistent with the rights of the participants. Because of the present requirements permitting intervention up to 10 days before a hearing actually starts, the effectiveness of the prehearing techniques and the effect of valuable stipulations and time-saving agreements reached by other participants during the several prehearing conferences held over a period of months may be destroyed because an intervenor did not become a party to the case at an earlier date. Under the provisions of S. 1193, once the hearing issues are published by the Federal Communications Commission, any interested person knows at the time whether he will have to participate in the hearing to protect his own interest. The Commission feels that in requiring parties in interest to intervene within 30 days after the publication of the hearing issues is an ample and reasonable period to afford parties to determine whether it is necessary for them to intervene.

The 30-day period provided in the proposal is consistent with the time allowed in many other sections of the Communications Act. For example, section 402(e) allows interested persons to intervene in appeals from Commission decisions within 30 days after the filing of any such appeal with the court of appeals. (See also secs. 402(c) and 405.)

This legislation will discourage dilatory tactics now possible under the present provisions and will substantially eliminate the need for holding repeated prehearing conferences. It will also have the virtue of providing a date certain for intervention, thus eliminating the present situation where the date for intervention changes every time the date for commencement of the hearing is changed. Thus, adoption of this legislation will be another step in eliminating delays and backlogs in the administrative process.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(e) of the Communications Act of 1934, as amended, is amended to read as follows:

"(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 482, House Joint Resolution 192.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A House joint resolution (No. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to, and the Senate proceeded to consider the joint resolution.

Mr. WILLIAMS of Delaware. Mr. President, may we have an explanation of the joint resolution?

Mr. SMATHERS. Mr. President, the joint resolution would confirm all 1956 through 1962 crop rice acreage allotments which were properly apportioned on the basis of producer history and allocated to the farm by the county committee in good faith. It would not confirm allotments obtained by duplication, forgery, bribery, or intimidation, nor would it confirm allotments obtained through practices that would result in the total allotted acreage exceeding the State acreage allotment, less any unallocated reserve acreage. The resolution is designed to relieve farmers from the effects of technical irregularities, but not to forgive intentional wrongdoing. It would be applicable only in States where rice allotments are made on the basis of the producer's history of rice production.

Mr. WILLIAMS of Delaware. Mr. President, I ask that the joint resolution go over.

Mr. SMATHERS. Mr. President, I ask that House Joint Resolution 192 be passed over.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT OF 1961

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 459, Senate bill 1967.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1967) to extend until June 30, 1963, the authorization contained in section 6 of the Juvenile Delinquency and Youth Offenses Control Act of 1961.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 483) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT NO. 483

PURPOSE OF THE BILL

S. 1967 extends the Juvenile Delinquency and Youth Offenses Control Act of 1961 for an additional 3 years and authorizes appropriations of $10 million per year.

The extension is necessary in order that communities having completed or about to complete the planning phases of programs to combate juvenile delinquency may be assured that Federal support will continue to be available long enough to put the best of these plans into action.

It is expected that the lessons learned from these demonstrations will lead to a sound nationwide approach toward the problems of delinquency. This program is not a permanent one. It provides funds from the Federal Government to help find answers to a difficult social problem. Once those answers have been sought and found, this planning and demonstration program will be terminated.

PROVISIONS OF PRESENT ACT

The Juvenile Delinquency and Youth Offenses Control Act contains three basic provisions:

1. It authorizes the Secretary of Health, Education, and Welfare to make grants to State, local, or other public or nonprofit agencies for projects demonstrating improved methods for prevention and control of juvenile delinquency.

2. It authorizes the Secretary to make grants to such agencies for the development of courses of study and for training personnel for employment in programs for the prevention and control of juvenile delinquency.

3. The Secretary is authorized to make studies, render technical assistance, and disseminate information relative to the prevention and control of juvenile delinquency.

Under the program, antidelinquency plans have been financed in 16 communities. Action programs have been funded in four cities. Special training centers for instructing specialists in delinquency have been established at 12 universities. In addition, there have been 48 grants for special research and instruction.

EXPERIENCE UNDER THE ACT

When the Juvenile Delinquency and Youth Offenses Control Act was enacted in 1961 there was no truly broad-based, antidelinquency program underway in any American community. Most efforts to combat youth crime were based upon the heroic but isolated attempts of settlement houses, "Big Brother" programs, and similar undertakings.

The President's Committee on Juvenile Delinquency early determined that the most serious shortcoming in local efforts to combat delinquency was the lack of comprehensive community support; the kind of support necessary to provide a new setting in which idle youths could be motivated to find a more useful and beneficial role for themselves in society.

In order to qualify for planning and demonstration grants, therefore, applicants for assistance under the act were required to embark upon across-the-board planning designed to enlist all appropriate elements in the community in the antidelinquency program. This would save important segments of the community from working at cross-purposes in pursuing the same goal. It would also contribute to greater effectiveness of their efforts.

A representative of the Ford Foundation referring to the Federal grants in light of the foundation's wide experience with their own youth programs, said:

"Most of what is being done with those funds at the present time is planning and tooling up for action programs * * *. I personally have felt that this is a very sound approach to the question because this is so complicated, there are so many institutions involved in converting this effort on this target that a period of time before you actually begin the action program is quite essential. It happens even if you make a grant right away for an action program, you find that a year or year and a half is spent in planning actually what the program is going to be. So I think personally there are two important things about the Federal program. One is the comprehensive approach to it, recognizing there is no one single thing that is the panacea, and that many institutions have to be in it and that the program really has to be carefully planned at the outset and that there is a focus here really on the broad social and economic contect in which delinquency takes place." (Hearing record, p. 402.)

The reaction of Mayor Walsh of Syracuse was representative of the views of witnesses before the subcommittee:

"Senator, with a program as involved as this you have got to have a plan and I think that the difficulties that we are now faced with throughout this country indicate that we have not had a plan to treat and prevent and control juvenile delinquency and I would hope that with the 16 cities that now have grants with this concerted approaach that we are now making toward developing a plan, that we are going to come up with some answers. It is the only approach that to me makes sense. You just cannot spend money without a plan." (Hearing record, p. 203.)

The battle against juvenile delinquency has been handicapped by more than lack of experience and coordination, however. There also has been a serious personnel shortage in the youth-serving professions and agencies. Present training methods and materials have not kept pace with the knowledge gained over the past decade. A total of 84 programs designed to increase the availability of trained personnel and upgrade the skills of those already involved in youth work have been undertaken as a result of grants under the act. Training programs sponsored by the act have been of three types:

(1) University-based training centers which, after the initial organization period, will become permanent centers supported from other sources. These will provide supplementary training for counselors, teachers, probation officers, and other specialists actually working in the youth field. In many cases these training centers are working closely with the demonstration programs training personnel for these action programs and utilizing the experience of the projects in planning training programs.

(2) Curriculum development projects designed to shape the latest research findings and the results of action programs into training materials for youth workers.

(3) A number of workshops and institutes have been held in various parts of the country to aid present youth workers including gang workers, vocational guidance counselors, and probation officers in keeping abreast of the latest developments in their own and related fields.

Though less dramatic, one of the most important services of the program has been the dissemination of information. By underwriting demonstration projects and then circulating the experience among other interested communities wasteful duplication can be avoided.

NEED FOR THE ACT

The report on the Juvenile Delinquency Act of 1961, published April 6, 1961, by the Committee on Labor and Public Welfare, stated among its reasons for recommending passage of the act:

"For 11 consecutive years juvenile delinquency has been increasing steadily. * * * No geographical area in the United States is imune to the impact of the delinquency problem. Intensive efforts to reverse the trend have been made in many places but juvenile delinquency still is a serious community problem. * * * Private and governmental agencies at all levels must accelerate

their programs for prevention, control and treatment of juvenile delinquency."

The problems remain as pressing today. The "war babies" generation is now in its teens, looking for work at a time when the Nation is conspicuously failing to provide employment for even its adult labor force.

A million more youths reached age 16 this year than last. As they drop out or graduate from school, many fall into the temptations of idleness for lack of available work. Youth unemployment—three times that among adults—is social dynamite.

Delinquency statistics reflect a most disturbing increase in youth crime. The Federal Bureau of Investigation reported recently that police arrests of juveniles under 18 increased by 9 percent in 1962 over 1958, yet the population growth in this age group has only been 3 percent over the same period. Over a million youths aged 10 through 17 were arrested in 1962; almost 500,000 appeared on delinquency charges before courts.

Last year, the cost of fighting delinquency in New York City alone came to $90 million. Only 7 years earlier it was $23,500,000. In spite of this enormous increase the number of cases disposed by the children's court rose 16.3 percent between 1950 and 1959.

These are appalling statistics. Quite obviously money alone is not solving the problem. Fragmented local approaches taken toward the problem are clearly not meeting the challenge. The approach must be deepened and broadened into a comprehensive, communitywide effort to remake the physical, social, and educational setting in which these young people are trained and motivated.

Federal encouragement can serve as a catalyst to local groups sharing concern for this common problem but lacking a mechanism for joint participation. With experience in successful treatment of juvenile delinquency woefully lacking, a community-by-community attack isolated from related programs elsewhere would inevitably result in much duplication of effort, repetition of unsuccessful experiments, restricted use of successful methods, and insupportable burdens on limited community resources. This program has contributed significantly in overcoming these difficulties.

NEED FOR EXTENSION

The original act authorized appropriations of $10 million per year for 3 years. It expressly approved granting funds for the duration of any project so that demonstration projects could be underwritten for more than 1 year. The first year's appropriations were allocated on this basis. (Mobilization for youth in New York City received $1.9 million from the fiscal year 1962 appropriation to be paid out during fiscal 1963, 1964, and 1965.) However, when granting the second year's appropriations, the Appropriations Committees provided funds for only 1 fiscal year and prohibited the use of funds from one appropriation in any subsequent fiscal year. This same action by the Appropriations Committees was taken again in fiscal 1964.

During fiscal 1960, $8,200,000 was appropriated under the act. Only $6,365,000 had been expended by the close of the fiscal year and the remaining amount lapsed. The 1963 appropriation was $5,810,000. The present Senate appropriations bill for 1964 would make $6,950,000 available. Thus, approximately $19.1 million, rather than the contemplated $30 million, will have been appropriated during the first 3 years of the act.

Completion of the existing projects will require an estimated additional $15.8 million. Without it, 2 projects in the demonstration stage will be cut short 1 year; 13 projects in the planning stage could not be financed for demonstration; 6 training centers would be disbanded; 9 others abandoned before completion; and training programs which will use the materials developed during the first 3 years will not be undertaken.

Expenditures (actual and estimated) under Public Law 87-274 for the period 1962-64

	Demonstration	Planning	Training	Administrative and technical assistance	Total
1962	$1,915,000	$1,832,586	$2,223,894	$394,000	$6,365,480
1963	1,856,960	1,117,594	1,955,000	[1] 810,000	5,739,563
1964 [1]	4,000,000		2,000,000	950,000	6,950,000
Total	7,771,960	2,950,180	6,178,903	2,154,000	19,055,043

[1] Estimated.

City and county officials, project directors, and others involved in specific programs underwritten by the act appeared before the subcommittee. Hundreds of letters and written statements were also received. All gave full support for the program. They commended the administrators of the program for their technical assistance and their noninterference with local direction of the projects. The program appears to be ably accomplishing the purposes of Congress in the original passage of the act. Extension of the act for an additional 3 years will allow completion of existing projects, additional demonstration projects of outstanding promise, and greater emphasis on training efforts so crucial in producing trained personnel for a continued massive attack on juvenile delinquency.

Unless participating cities have some assurance that this program will continue beyond June 1964, they can hardly go forward with plans extending beyond that date for which they had counted heavily for Federal financial support.

The committee believes that the Federal Government has an obligation to follow through with its commitment to these communities by allowing them the chance to carry their plans all the way through the demonstration phase. Otherwise the funds invested so far will have been largely wasted.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Juvenile Delinquency and Youth Offenses Control Act of 1961 (42 U.S.C. 2545) is amended by striking out "two" and inserting in lieu thereof "five".

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SMATHERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANCHORAGE, ALASKA, AND AMERICA

Mr. GRUENING. Mr. President, we read and hear a great deal today about two-way travel.

Tourism has opened doors long closed, ofttimes unintentionally. Americans for decades have gone abroad to see new lands and meet new people, but few could afford the trip.

Now this impasse is fading. Travel is no longer a luxury. It is educational, stimulating, less expensive, and a remarkable catalyst in promoting better understanding among people of the world.

For far too long the value of tourism has been either ignored or underestimated by Americans, despite our willingness to travel widely and spend generously. This one-way travel did nothing to aid our balance of payments.

Under the aegis of the administration of President Kennedy, positive steps have been taken to correct the situation.

The U.S. Travel Service was established as a part of the U.S. Department of Commerce and a modest but remarkable campaign to interest the Old World in the New World was initiated. It has been fruitful. Our States are being seen firsthand by citizens of many nations. It is no surprise to meet a German teacher busily exploring the wonders of Washington or to find a Japanese photographer seeking a new view of the Lincoln Memorial.

Ironic illustrations, perhaps, but true.

I have referred to the changing picture of tourism. These changes include the new travel service which has much to offer each State.

Director Voit Gilmore of the travel service addressed the annual convention of the Alaska Travel Promotion Association when it met in Cordova September 20. The topic he discussed was "The Visit U.S.A. Campaign—More Dollars and Friends for Alaska." He cited statistics to prove why.

For example:

It is impressive that Anchorage now ranks fourth in the Nation in the number of international passengers traveling through its airport, being surpassed only by New York, Miami, and Los Angeles. I have heard a great deal of your hopes to slow down some of these rapid-transit travelers and let them, too, stay long enough to enjoy the wonders of Alaska and leave some tourist dollars behind.

Mr. Gilmore described the work of his State of North Carolina in bringing to the attention of its visitors the wonders of the great Smoky Mountains National Park and the Hatteras Seashore National Park. He suggested that such Alaskan marvels as Glacier Bay National Monument, Katmai National Monument, and Mount McKinley National Park, to name but three—could be similar tourist stopovers.

The tourist coming to North Carolina, said Mr. Gilmore, has made tourism

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued Oct. 17, 1963
For actions of Oct. 16, 1963
88th-1st; No. 166

CONTENTS

HIGHLIGHTS: Senate passed water pollution control bill. Senate committee voted to report bill to prohibit registration of pesticides under protest. Sen. Javits inserted items supporting President's decision not to prohibit sale of wheat to Russia. Sen. Humphrey commended school lunch program. Sen. Allott inserted resolution favoring increased appropriations for forest highways. Senate committee voted to report Ozark National Rivers recreation bill. Senate considered bill to validate certain rice acreage allotments. Rep. Purcell favored a wheat sale to Russia.

SENATE

1. WATER POLLUTION. By a vote of 69 to 11, passed as reported S. 649, to increase grants for water pollution control facilities and establish a Water Pollution Control Administration in HEW (pp. 18658, 18661-72, 18681-703). Rejected an amendment by Sen. Cooper to require public hearings by HEW for the purpose of making recommendations to the Congress on water pollution control measures (pp. 18671-94). See Digest No. 162 for a summary of the provisions of the bill.

2. PESTICIDES. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendments S. 1605, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to provide for labeling of economic poisons with registration numbers to eliminate registration under protest. p. D812

Sen. Humphrey commended the action of the Committee and the efforts of Sen. Ribicoff in behalf of this legislation and inserted an article from American Forests magazine, "Senator Ribicoff Would End 'Protest Registration' of Insecticides." pp. 18709-11

3. RECREATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. 16, to provide for the establishment of the Ozark National Rivers, Mo., recreation area (proposed recreation area would include certain national forest lands). p. D813

4. RICE ALLOTMENTS. H. J. Res. 192, to provide for the validation of certain rice acreage allotments for 1962 and prior crops, was made the pending business. p. 18725

5. WATER RESOURCES; RESEARCH. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. J. Res. 49, to authorize Interior to carry out a program for control of phreatophytes along the Pecos River channel, N. Mex. and Tex. p. D813

6. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. 26, to authorize construction of the Dixie reclamation project, Utah. p. D813

7. WHEAT; FOREIGN TRADE. Sen. Javits inserted two editorials supporting the President's decision not to prohibit a sale of wheat to Russia, and he stated that he has "warned that this 'one-shot' deal might be used as a way to engage in several trade deals which would call for much more from the Soviet Union." pp. 18680-1

8. SCHOOL LUNCH. Sen. Humphrey commended the school lunch program, stated that it is a program "that has almost universal acceptance and support," and inserted a USDA press release, "Secretary Freeman Urges National School Lunch Week Observance." p. 18711

9. FOREST HIGHWAYS. Sen. Allott inserted a resolution of the Western Association of State Highway Officials urging increased annual appropriations for forest highways "from the present level of $33 million to $85 million." p. 18713

10. FOOD PACKAGING. Sen. Douglas supported enactment of S. 387, the truth-in-packaging bill, so as "to put the consumer on a more equal footing with the manufacturer in regard to those market basket commodities which the buyer can no longer examine before he buys," and inserted an article, "Food Packaging and Buyers' Rights." pp. 18713-4

11. CABINET MEMBERS' TRAVEL. Sen. Tower inserted a critical article reviewing recent travel by members of the Cabinet, including references to Secretary Freeman's recent travel to Russia and a trip to Utah. p. 18718

12. EMPLOYMENT. Sen. Proxmire criticized the availability and reliability of statistics on domestic unemployment and urged a program to "improve the quality of our unemployment statistics" and that the administration "begin to consider an array of programs designed to meet specific types of unemployment which currently exists." pp. 18733

tions shall be transmitted by the director to the Judicial Conference.

"(r) TRANSITIONAL PROVISION. In the case of a commissioner who dies within six months after the date of enactment of this section after having rendered at least five years of civilian service computed as prescribed in subsection (n), but without having made an election as provided in subsection (b), an annuity shall be paid to his widow and surviving dependents as is provided in this section, as if such commissioner had elected on the day of his death to bring himself within the purview of this section but had not made the deposit provided for by subsection (d). An annuity shall be payable under this section computed upon the basis of the actual length of service as a commissioner and other allowable service of the commissioner and subject to the reduction required by subsection (d) even though no deposit has been made, as required by subsection (h) with respect to any of such service.

"(s) WAIVER OF CIVIL SERVICE BENEFITS. Any commissioner electing under subsection (b) shall, at the time of such election, waive all benefits under the Civil Service Retirement Act. Such a waiver shall be made in the same manner and shall have the same force and effect as a waiver filed under section 796(g)(3)."

And, on page 25, after line 22, to strike out:

SEC. 5. Funds necessary to carry out the provisions of this Act may be appropriated out of any money in the Treasury not otherwise appropriated.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 792 of title 28, United States Code, is amended to read as follows:

"(a) The Court of Claims may appoint twenty commissioners who shall be subject to removal by the court and shall devote all of their time to the duties of the office."

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

AMENDMENTS

1. Beginning on page 1, line 8, strike out all down to and including line 24 on page 25.

2. Amend the title so as to read: "To provide for additional commissioners of the United States Court of Claims."

PURPOSE OF AMENDMENTS

The purpose of the first amendment is to delete from the provisions of S. 102 all reference to retirement and widows' annuities of the commissioners of the Court of Claims, even though these provisions have been endorsed by the Judicial Conference of the United States and the Bar Association of the District of Columbia, since the matter of retirement and widows' annuities is believed to be a matter in the jurisdiction of the Post Office and Civil Service Committee. The committee, therefore, without any prejudice to such provisions, believes that the Committee on Post Office and Civil Service should be the committee to consider such proposals. The second amendment conforms the title of the bill to the committee amendment in the body of the bill.

PURPOSE

The bill, as amended, authorizes an increase in the number of commissioners of the Court of Claims from the 15 presently authorized to 20.

STATEMENT

As set forth in the report on a similar bill of the 87th Congress, by virtue of improvements and refinements in the procedures of the Court of Claims over the course of several years the role of commissioners of the court has been developed far beyond the functions contemplated when the commissioner system was instituted for the court shortly after the close of World War I. Commissioners of the court now serve under the rules of the court as its trial judges. Every case filed in the court is referred to a commissioner who is thereupon charged with the responsibility of passing on all questions of pleading incident to the joinder of issue, all procedural motions pending reduction of the issues to questions of law, and all pretrial procedures (including discovery by deposition or the production of documents), and the trial of the case on issues of fact. With his findings of fact, he is often directed to submit recommendations for conclusions of law, with supporting opinion. The extension of the commissioners' functions to cover the full range of trial work has contributed to the court a third distinctive feature (in addition to nationwide jurisdiction and nonjury trials) in that in practical effect, the Court of Claims now combines in one forum the facilities of trial and appellate functions.

Five judges comprise the Court of Claims. This number has not been increased in more than 100 years. Past experience indicates that five judges can dispose of the volume of cases that can be tried by commissioners in the ratio of four commissioners per judge. However, it is essential that the cases be developed as far as possible by commissioners so that review by the judges is reduced to points that can be presented sharply and succinctly. In order for the commissioners to be effective in this undertaking, their caseloads must be limited to reasonable size. This fact, coupled with the gradual increase in the workload of the court which has been continuing for more than 10 years, makes advisable the authorization for an increase in the number from 15 to 20.

The committee has explained in the purpose of the amendments to S. 102 the reasons why the retirement and annuity provisions should at this time be deleted, and recommends that the bill, as amended, be considered favorably.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 102) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide for additional commissioners of the U.S. Court of Claims."

VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 482, House Joint Resolution 192, and that it be made the pending business.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, the joint resolution will be the pending business.

ORDER FOR RECESS UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, there will be no further voting today. I ask unanimous consent that when the Senate concludes its business today, it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the distinguished Senator from Louisiana for his unfailing courtesy.

DOLLAR DIPLOMACY FLOPS AGAIN

Mr. THURMOND. Mr. President, in view of the recent pronouncements by our foreign policy formulators against giving diplomatic recognition to the new governments in the Dominican Republic and Honduras, and also comments that have been made by Members of this body in support of this position, I ask unanimous consent that a statement of my views on this subject, as printed in my newsletter of October 14, 1963, be printed in the body of the RECORD. This newsletter is entitled "Dollar Diplomacy Flops Again," and it emphasizes my concern about the Alliance for Progress program and the importance of resolving any doubts that we may have in favor of anti-Communist governments, rather than in favor of governments which could possibly lead to the establishment of additional Castro-type Communist dictatorships in the Western Hemisphere.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DOLLAR DIPLOMACY FLOPS AGAIN

(By Senator STROM THURMOND)

The Communist takeover of Cuba brought about a new packaging of U.S. foreign policy for Latin America. Traditional dollar diplomacy was changed by adding more dollars and a new title—Alliance for Progress. Quite predictably, U.S. policy for the Americas is still a flop.

Economic assistance has little or no effect against Communist subversion and violence. Properly applied and administered, economic assistance in a couple of decades might increase the economic potential of some Latin countries to help defend themselves. The Reds, unfortunately, give no indication they will work that slowly.

As administered, however, the program is nothing more than an alliance for socialism. Its assistance is government to government oriented, and little more than an occasional verbal nod is given to the private sector of Latin economies. As a condition of receiving assistance under the alliance, programs for drastic social, economic and political reform by the Latin governments are required. Principal among these is land reform, usually taking the form of confiscation and redistribution, rather than the more moderate methods, such as special taxes on idle lands.

The very type of reforms on which alliance assistance is conditioned is the type which has been advocated by Communists and other far-left groups in Latin America for years. In seeking and supporting govern-

ments which will institute such drastic programs, the United States finds, of course, the most enthusiasm among the governments furthest to the left.

Traditionally, the military establishments of Latin countries have generally been the dominant source of power. In the absence of other stable political institutions, rule by anyone has usually been at the sufferance of the military. Military power is sometimes used to protect the people from despots, sometimes to install despots in power. In most Latin countries, the military leaders have been trained in U.S. military schools, and they are generally anti-Communist and impatient with radical programs.

Because the alliance sought out and encouraged drastic and radical programs, most welcome to leftist-oriented governments, it was inevitable that where strong military establishments existed, such radical governments would be overthrown, regardless of whether they were put in initially by elections or by the very same military establishment. Where the military is not strong, or not anti-Communist the governments go further to the left and into active cooperation with the Reds.

Since the Alliance began, there have been seven military coup d'etats in Latin America. The latest were in Honduras and the Dominican Republic.

The United States recognized the tradition of military coups and the increased potential for them through the Alliance in Latin America. Therefore we have assisted in creating in many of these countries "national police forces," in an effort to keep democratic governments in power and to offset the power of the military. In the Dominican Republic, this U.S.-financed and trained force joined in the coup. In Honduras, the civil guard, as it is called, contested the military coup, and was easily defeated by trained and organized troops of the military.

Now U.S. policymakers are emotionally indignant. They vow that the United States will not recognize the new governments resulting from military coups. Some legislators even advocate the use of marines against the juntas although they cry out against even the threat of force against Cuba. It does not seem to matter to our policymakers whether the military action was for protection of the country by deposing a would be despot or potential Castro, or whether it was a simple power grab by the military.

It makes a big difference, however. In Peru and in Guatemala, even the State Department recognizes that the military juntas have made more progress on actual reforms than had the democratic governments they deposed. The recent coup in the Dominican Republic appears to have been necessary to prevent President Bosch from following Castro's road to communism.

If the United States follows a blind policy of refusing recognition to governments established by military forces in Latin America—and there have already been seven—the United States may find that the Alliance for Progress funds go only to those far left governments where no internal force is strong enough to depose them.

Can a program of foreign aid which is limited to those who are most cooperative with the Communists be justified?

THE PROPOSED SUPERSONIC PLANE

Mr. BARTLETT. Mr. President, this morning hearings commenced before the Aviation Subcommittee of the Commerce Committee, under the chairmanship of the able and distinguished Senator from Oklahoma [Mr. MONRONEY], on the proposed American supersonic plane. This morning's witness was Mr. Boyd, the Chairman of the Civil Aeronautics Board. At this very moment, Mr. Halaby, Administrator of the Federal Aviation Agency, is giving his testimony.

This constitutes a challenging future for aviation. Leading American companies are interested in the plane, to the point where they are willing to put down good, hard cash to insure deliveries. Announcement has been made that Trans World Airlines has done so. I have in my possession a letter written to Mr. Gordon M. Bain, Deputy Administrator for Supersonic Transport Development, of the Federal Aviation Agency, on October 14, 1963, signed by Rusell B. Adams, vice president of Pan American World Airways, stating in part:

> We refer to telephone conversations last week between you and President Trippe and Vice President Pirie, of our company, in which it was confirmed that Pan American has been willing, since Mr. Trippe's public statement of early June, to place a production order for a fleet of American-built supersonic transports.
>
> * * * * *
>
> Our banker's check in the amount of $1,500,000 in favor of the United States of America is enclosed herewith as the initial deposit on such aircraft, it being understood that the arrangements for the purchase will be on a most-favored-nation basis and acceptable to the Government.

Mr. President, the supersonic age in aviation will be here almost before we know it.

AN ALTERNATIVE TAX PLAN

Mr. LONG of Louisiana. Mr. President, as a Member of the Congress for 15 years, I have voted repeatedly to relieve hardships inherent in our tax structure. In most instances, my votes to provide greater fairness and social justice in our Federal tax system have been directed toward assisting those in lower income brackets. I have voted to increase the exemptions and to provide special tax advantages for the aged, homeowners, parents sending children through college, persons with high medical expenses, and others of moderate means.

As a student of our tax system, I have become increasingly impressed by the inequity and the complexity of our tax structure with regard to individuals in upper-income brackets. A study of tax returns of individuals in high-income brackets proved two things: some taxpayers do not pay nearly enough; others pay too much. While it is true that our tax rates on personal income are very steeply graduated on the first $100,000 and reach a rate of 91 percent, for one person, on taxable income over $200,000 most high-income taxpayers find ways either to make their income in ways that are not taxable, or to benefit from a number of ways of deducting large amounts. Most high-bracket taxpayers, with the help of tax lawyers and accountants, are able to keep their taxes well below 50 percent of their gross income.

At the conclusion of this speech, I shall place in the RECORD a number of illustrations of how taxpayers with large incomes have succeeded in keeping their tax liability very low. In some cases, these taxpayers have paid less than 1 percent of their income in Federal taxes. In fact, there are taxpayers who have legally avoided paying any taxes at all, even though their gross income exceeded a million dollars.

Some of the methods by which tax liabilities have been kept low have been the receipt of income from State and municipal bonds which is not taxable, the deduction of contributions to charities and private foundations, and the diverting of large sums of money into types of assets which receive the much lower capital gains tax treatment. Particularly is this true in cases where the capital gains income is offset by a large interest deduction to cover the cost of financing the transaction. The use of pension plans and profit-sharing plans by owner-managers of small closely held corporations, percentage depletion, intangible drilling costs, stock options, the foreign tax credit, the use of multiple small business corporations, have all been subject to severe criticism by students of our tax system.

While most of these so-called favored methods of tax treatment can be defended in general, they are in effect defeating the purpose for which high rates on large income were established; that is, to extract big taxes from those able to pay them. This is so because many persons whose income is in excess of $1 million will pay at a very low rate by taking advantage of all of the tax avoidance possibilities to which I have referred, as well as a number of others which any good tax lawyer and any outstanding tax consultant firm can readily point out.

Nevertheless, there are cases where individuals are actually paying as much as 75 percent or more of their income to the U.S. Government. In many of these cases, it may be that the citizen suddenly found himself in a high-income tax bracket, without the opportunity to make arrangements for the various tax avoidance possibilities available to him. In other cases, it may be that there is a lack of knowledge on the part of the taxpayer as to what he can do, or it may be that the taxpayer is simply patriotic. Regretably, I doubt that patriotism motivates many citizens to pay large amounts of taxes. In any event, it makes little or no sense for this Nation to have a crazy quilt, hodge-podge tax system which crucifies one taxpayer by depriving him of 87 percent of his income, while it accords to another the privilege of retaining within his ownership and control 100 percent of his earnings, without any income tax liability whatever.

Recently, a responsible official of the Treasury Department remarked to me that any unfortunate person who was actually paying 50 percent of his income in Federal taxes deserved a friend. I should like now to be that friend.

For this reason, Mr. President, I am proposing an alternate method for computing Federal income taxes. This method would propose to eliminate most of the loopholes in our existing system of personal-income taxation. It is my proposal that a taxpayer should have the

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

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CONTENTS

HIGHLIGHTS: Senate passed bill to validate certain rice allotments involved in technical irregularities. Rep. Weltner criticized cotton program as primarily aiding big producer. Rep. Findley criticized and urged repeal of feed grain program. Sen. Dirksen introduced and discussed bill to require labeling of Irish potatoes shippped in interstate commerce.

SENATE

1. RICE ALLOTMENTS. Passed without amendment H. J. Res. 192, to validate certain rice acreage allotments which have been made in good faith by county ASC committees and used by producers prior to 1963, which may now be subject to recall due to technical violation of USDA regulations. This bill will now be sent to the President. pp. 18758-61

2. FORESTRY; LUMBER. The Commerce Committee reported with amendments S. 2100, to continue the temporary authority of the Secretary of Commerce to permit the use of foreign vessels to transport lumber from U. S. ports to Puerto Rico if he determines that no U.S. vessel is reasonably available (S. Rept. 568). p. 18741

3. RECLAMATION. Passed with amendments S. 283, to amend the Small Reclamation Projects Act of 1956 so as to increase the present authorization ceiling for small reclamation projects from $100 million to $200 million and to permit Interior to advance up to half the funds necessary to planning a project and preparing a loan application, provided that the funds advanced shall be non-reimbursable if the project is not constructed and shall be repaid in full if the project is built (pp. 18752, 18761-4, 18772-3). Agreed to an amendment by Sen. Kuchel to increase the maximum amount of a loan or grant for a small reclamation project from $5 million to $7.5 million (pp. 18762-3).

4. TERRITORIES AND POSSESSIONS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 2073, to place certain submerged lands within the jurisdiction of the governments of Guam, Virgin Islands, and American Samoa. p. D818

5. SUGAR. Sen. Keating criticized a Justice Department brief filed in the Supreme Court "to defeat the claims of a U. S. company for the proceeds from the sale of sugar seized by the Castro regime." p. 18742

6. FOREIGN AID. Sen. Young (O.) defended foreign aid assistance to Yugoslavia as being in our national interest. pp. 18742-3

7. PUBLIC WORKS. Sen. Miller inserted a Wall Street Journal article stating that Treasury Secretary Dillon has "reluctantly conceded he doesn't think a new Federal public works program is needed at this particular time," and Sen. Miller contended that this "could well sound the death knell of the administration's massive public works spending program." p. 18771

8. RECESSED until Mon., Oct. 21. p. 18787

HOUSE

9. COTTON. Rep. Weltner criticized the two-price cotton system and the cotton support program as not helping the small cotton farmers and inserted various charts comparing Federal cotton program subsidies to the large and small cotton farmers. pp. 18804-12

10. FEED GRAINS. Rep. Findley urged repeal of the feed grains program, claiming it has been costly and has accomplished little. p. 18831

11. FOREIGN AID. Rep. Fraser inserted a letter from several Representatives stating that unexpended balances in the foreign aid program are not a reason for cutting the program since these balances are already committed and in new projects. pp. 18798-9

12. HIGHWAYS. Concurred in the Senate amendments to H. R. 7195, to amend various sections of law relating to the Federal-aid highway systems, including provisions to extend until June 30, 1965, the period during which agreements may be entered into with States to control outdoor advertising, and to permit States to initiate development projects and receive reimbursement from the research and development fund. This bill will now be sent to the President. pp. 18801-2

13. CREDIT UNIONS. Several Representatives complimented the work of the credit unions. pp. 18813-4

ministration. It had substantial Republican support. It actually passed the other body with substantial Republican support. It will be before the Senate. I can promise that it will be before the Senate.

How much stronger will be our position, therefore, Mr. President, if the administration does not retreat, but fights for what it needs, for what it knows it needs, for what is right. The administration should stop looking over its shoulder toward those who sit in positions of power here, who can affect its other programs. The administration is not going to get any breaks on those, anyhow. We are down to the wire on the civil rights proposition. We must see it through now. If we do not see it through we shall gravely endanger our country in every aspect of its national life.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, I merely wish to make a very brief statement regarding the discussion on civil rights. I have the highest respect and admiration for the Senator from New York [Mr. JAVITS] and know of his dedication to this fundamental issue of human rights. I know of no Senator who has a greater commitment to it, but I wish him to know—as well as all Senators on both sides of the aisle—that the administration, the President of the United States and the Attorney General, and those in support of the administration are committed to an effective program of civil rights legislation in this session of Congress.

We want a program, and not an issue. We want action, and not merely speeches. We want legislation that will have remedial effects. None of us could possibly believe that we can remedy every weakness or defect in one program, or in one bill, or in one session of Congress. But I wish to make it crystal clear that the administration—and the lieutenants of the administration, of which I am one—will see that the Senate has an opportunity to vote on and, if I have my way, to pass an effective, meaningful civil rights program that encompasses every issue that the President laid out in his message on civil rights.

It may well be that we cannot get every point that some people wish, but there will be action. There will be legislation. I have no doubt that in the years to come there will be opportunity to improve what we accomplish in this session of Congress; but the important thing, I believe, is for both Houses of Congress to be able to act, and to act promptly.

It is imperative that we act in 1963.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. I will stake my right arm that the Senator from Minnesota is a proponent of civil rights, whatever the Senator may do about this legislation. The Senator should have no doubt about that. I am as convinced of that as I am about what is in my own heart.

I should like to ask the Senator from Minnesota a question. Is it not a fact, feeling as I do, that it is my duty to speak, because I feel very strongly about this issue? The able Senator knows a good deal about that. Does not the Senator agree with me, too, that it is also the duty of the Administration to listen? It may not act, but it is its duty to listen?

Mr. HUMPHREY. The Senator from New York not only has a duty to speak; but, since for years he has had a commitment to this fundamental area of human rights, of course it is his duty, his privilege, and his responsibility to speak—and he speaks clearly and unequivocally.

It is also the duty of the administration to seek counsel and advice. I do not consider the remarks of the Senator from New York today to be in bad temper, or to be motivated by partisanship. I wish him to know that. I should like Senators on the Republican side of the aisle to know that we cannot pass civil rights without their help; and, therefore, it is imperative that we try to have as much cooperation as humanly possible among us.

Those of us who believe in the civil rights program may have our differences—and it is quite obvious there are some differences on details—but we will have to reconcile those differences and work them out among ourselves.

I am not being critical of the Senator from New York. I merely wish the Senator to know that when this issue is before the Senate we must have action, and not merely another futile effort. We must make progress. Whether we can make as much progress as the Senator from New York proposes may very well be doubtful, but I agree with him that he should state his case and state it effectively. I shall state my case as best I can. But I would be less than honorable with Senators if I did not say that when we get down to the line we shall have to make a judgment as to what we can really pass in this body, and how we can stand together to support it.

I have no doubt that the Senator from New York [Mr. JAVITS], his colleague [Mr. KEATING], and the minority whip, the Senator from California [Mr. KUCHEL] will be in the forefront of that battle.

PROHIBITION OF EMPLOYMENT IN GOVERNMENT SERVICE OF ANY EMPLOYEE OF PRIVATE DETECTIVE AGENCIES

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 423, S. 1543.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1543) to repeal that portion of the act of March 3, 1893, which prohibits the employment in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCLELLAN. Mr. President, I call up the amendment No. 223.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, after line 6, it is proposed to insert the following new section:

SEC. 2. Hereafter no employee of any detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services.

Mr. McCLELLAN. Mr. President, when the bill was reported, it had the support of the agencies of government involved. All of them approved it. A question was raised by the distinguished Senator from Iowa [Mr. MILLER] with respect to the provisions of the bill. I have discussed them with him, and we have ironed out the differences. The amendment I now propose will do what everyone actually intended should be done and what we had in mind at the very beginning. So far as I know, there is no objection to the bill, and I ask that it be passed.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MILLER. I appreciate the consideration that the distinguished Senator from Arkansas gave to my comments on the bill as it originally came from committee. I believe we now have, in the form of the amendment, a better bill, certainly a bill which meets the test that everyone concerned wishes to have established. I join the Senator from Arkansas in expressing the hope that the bill will pass.

The PRESIDING OFFICER. The question is on agreeing on the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1543) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph immediately after the paragraph bearing the caption "Lighting the Capitol and Grounds" of the Act of March 3, 1893 (27 Stat. 591, 5 U.S.C. 53), is hereby repealed.

SEC. 2. Hereafter no employee of any detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services.

The title was amended so as to read: "A bill to repeal that portion of the Act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency, and for other purposes."

VISIT TO WASHINGTON BY TITO

Mr. LAUSCHE. Mr. President, previously I have made several statements expressing my belief that a mistake has been made in inviting Tito to the United

States, and more so in having him as an honored guest at the White House. My views on that subject have not changed at all.

In my judgment, Tito has done more to spread communism throughout the world than has been done by the combined efforts of Stalin, Khrushchev, and Mao. People who are in doubt have witnessed the silk-glove treatment that we have given to the Communist government of Tito. Knowing that he has succeeded, such persons have adopted, in many instances, the view that if Tito, with his communism, can get by, why cannot they, if they follow a similar course?

Throughout the world, in many nations, are Hungarians, Germans, Slovenes, Croatians, and Serbians who have fled from Yugoslavia. They either had to face death there or seek sanctuary in foreign countries.

Tito, when he took over the government, indulged in political oppression of the cruelest kind. He put countless people to death solely because of their political opposition. He put to death General Mihialovich. That act is one of the blackest in history.

Today I look with sadness upon the fact Tito is being graced and favored in the White House.

VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

The Senate resumed the consideration of the joint resolution (H.J. Res. 192) relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The PRESIDING OFFICER. House Joint Resolution 192 is before the Senate. The joint resolution is open to amendment.

Mr. JOHNSTON. Mr. President, in some States, rice acreage allotments are apportioned to farms on the basis of the rice history of the producers on the farm, rather than the rice history of the farm. In these States, the Department's regulations for 1956 through 1962 required that, in order for a producer's history to count toward the allotment for a particular farm, the producer must contribute land, labor, water, or equipment to the production of rice on the farm for a share of the crop. In 1962, it was discovered in a number of cases that after the allotment was properly made to the farm, the producer did not actually contribute land, labor, water, or equipment for a share of the crop. Instead of performing or hiring the labor and taking a percentage of the crop, he may have settled for a flat payment per acre. He may have furnished equipment which was never used; or he may have entered into a partnership to carry out the farm operation which was defective in some respect and did not meet the Department's regulations. Out of 202 cases in Texas in which it originally appeared to the Department that there might exist irregularities of this nature affecting 1956 farm allotments the State committee had cleared 194 as of May 13, 1963. The irregularities are of such a technical nature that the Department has little expectation of setting aside many allotments, and estimates that the costs involved in seeking to collect marketing penalties would be greater than the amount of any penalties that might be collected.

Setting aside the acreage allotment for any farm would affect all of the producers on the farm, including those that followed the regulations to the letter.

The resolution applies only to allotments properly apportioned from the State rice acreage allotment and allocated to the farm by the county committee in good faith. It would not apply to allotments obtained by duplication, forgery, bribery, intimidation, or practices which would increase the acreage allotted in the State.

I wish to have it plainly understood that this would not attempt to clear up any situation in which an ASC agent acted in any way in a fraudulent manner.

I believe the Senator from Delaware [Mr. WILLIAMS] has some questions he wishes to ask.

Mr. WILLIAMS of Delaware. Mr. President, what I wish to be sure about is that the proposal would not relieve the producer or the county committeeman, the Government official, from any legal responsibility in cases when either intentionally violated the law.

Mr. JOHNSTON. The joint resolution in no way helps any agent of the Government, the ASC agent, or any person who received any benefit through that agent.

Mr. WILLIAMS of Delaware. In June of 1962 I had occasion to call some of these violations to the attention of the Department of Agriculture, and on April 3, 1963, this year, I received a reply, which I incorporated in the CONGRESSIONAL RECORD of April 24. I wish to read that letter, and then ask the Senator from South Carolina to follow me as I read it and state whether or not the joint resolution will excuse the types of cases which are described in this particular report furnished by the Administrator, Mr. Godfrey.

Mr. JOHNSTON. I shall be glad to try to answer the question.

Mr. WILLIAMS of Delaware. The letter is dated April 3, 1963, and is addressed to me. It reads as follows:

> This is in further reference to your letters of June 29, 1962, and February 28, 1963, with respect to multiple assignments of rice acreage allotments in Matagorda and Brazoria Counties in Texas.
>
> On June 3, 1962, Carl E. Lively, the Matagorda ASCS county office manager died of cancer. Immediately thereafter the Texas State office became aware of some indicated rice allotment irregularities in the county. A preliminary investigation by State office personnel pointed up several illegal transfers of producer rice allotments between Matagorda and Brazoria Counties. A further check in Brazoria County confirmed their suspicions. Similar transfers appeared to have taken place between these and other counties, Jackson and Waller.
>
> Evidence indicated certain persons in the county offices of Brazoria, Matagorda, Jackson, and Waller Counties had accepted money from producers for rice acreage allotments or for increases in producer allotments.
>
> The services of the Agricultural Stabilization and Conservation Investigation Division, Office of the Inspector General; Agricultural Stabilization and Conservation Internal Audit Division, Office of the Inspector General; and the Federal Bureau of Investigation were requested on or about June 8, 1962, to determine the extent of the acreages and personnel involved. As their findings were disclosed, certain actions were taken by the Department.
>
> When the investigations were well under way it became apparent that the indicated violations fell into the following categories:
>
> A. Instances where a producer paid a county office employee annually over the past 2 or 3 years a monetary fee per acre for an increase in his producer rice acreage allotment. These irregularities appeared to be confined to four counties. This allotment acreage is usually duplicated by having been allocated to two or more farms and planted, but in some cases the producer allotment so allocated was in the name of a fictitious person.
>
> B. Instances where two producers entered into an agreement or partnership for the purpose of producing rice on a joint basis, although it appears that one of the producers actually withdrew from the production of rice and was paid money at the time by the other producer for the use of his allotment, on an annual or permanent basis. In either instance, annual applications for allocation of producer allotments to a farm were approved on the basis that both producers were to be "engaged in the production of rice" on the farm. Effective with the 1958 crop year, regulations have provided for the recall of any producer rice acreage allotment and a reduction of the farm allotment upon a finding after a scheduled hearing before the ASC county committee, that the producer was not "engaged in the production of rice" as indicated at the time of allocating his producer allotment to the farm.
>
> Category A cases are of a limited number; category B cases are numerous and affect many producers directly and indirectly. One or more years during the period 1958 through 1962 are involved in each.

My question is, Does the joint resolution relieve any of the groups in those two categories?

Mr. JOHNSTON. It relieves those in the B category, but does not relieve those in the A category.

Mr. WILLIAMS of Delaware. In some instances those in category B knew they were filling a false report. Under the joint resolution, if they knew it, they would not be excused.

Let me continue reading from the letter:

> However, subsequent to the initial action taken by the State committee, which resulted in the recall or revocation of allotments in the category B cases, many of the producers involved have furnished the State committee with evidence which substantiated their claim that they were "engaged in the production of rice" in the 1962 crop year, thereby clearing their operations for such year.

Those who could produce evidence that they were in line have cleared themselves. Would the Senator say that, under the joint resolution, those who could not produce such evidence are excused?

Mr. JOHNSTON. The bill is intended to relieve those in the category B cases. All of those cases involve some technical irregularity. The allotment was properly made on the basis that the producer would contribute land, labor, equipment, or water to the production of rice on the

farm for a share of the crop. For some reason he did not follow through on this to comply fully with the regulation. He may have taken a smaller share of the crop as a way of paying for the labor. He may have taken a flat payment per acre. He may have thought he was complying with the regulation, or had some doubts, or he may not have intended to carry out his declarations as to his intentions. He may have misrepresented his intentions, but that is difficult to determine or prove. The Department has not been able to prove it in any cases to date.

Mr. WILLIAMS of Delaware. If there is any evidence to prove that their acreage was fraudulently obtained or transferred, they are not affected under the joint resolution?

Mr. JOHNSTON. The Department does not believe that fraud is involved, or could be proved, in any of the category B cases. It is possible that there could have been some misrepresentation of intent in some of these cases, but that is almost impossible to prove. Many of the cases involve small amounts. The Department advices that the cost for the Government to bring those cases would probably exceed any penalties that could be collected. They would not have sufficient evidence to prove the case.

Mr. WILLIAMS of Delaware. If the Government does not have evidence to prove the case, certainly it should not be bringing those cases. I am not speaking of such cases, because it seems to me it would be useless to pass a measure telling the Government not to take a case into court if it could not produce sufficient evidence. I am speaking of cases which can be proved, and in which the evidence is clear. Does the joint resolution relieve any of those cases?

Mr. JOHNSTON. The evidence in those cases is not clear, as is indicated by the fact that the Government has lost the 194 cases that have proceeded to completion.

Mr. WILLIAMS of Delaware. But if the Government feels it has evidence to prove the case, does the joint resolution excuse them? Is this joint resolution a blanket excuse for category B cases, without regard to the evidence the Government may have in its possession? I am not concerned for the moment with cases in which the Government does not have any evidence to prove the case, because no Government official—he ought to be fired if he did—is going to take someone into court to try to convict him in a case if he does not have proof. That would be blackmail. I hope there is no evidence that the Government is trying to do that. I am speaking of cases in which the Government has evidence which, if presented to the court, would prove a case of willful violation. Are we excusing that type of case?

Mr. JOHNSTON. In cases involving a statement of intention concerning an action to be taken, it is difficult to determine that there was an actual willful misrepresentation or violation. The regulations were quite technical, requiring that the producer receive a share of the crop rather than a flat payment. The purpose of the bill is to relieve the producers of penalties which might be assessed for these technical violations where they had no intention of doing wrong. That is the purpose of the bill, but we cannot be sure that one or more of these producers might not actually have had some wrongful type of intent.

Mr. WILLIAMS of Delaware. No one is arguing that point. I would be very critical of the Government's trying to go into court with a case it knew it could not prove. I am speaking of cases the Government thinks it can prove. Are we excusing those cases? I would be critical of the Government's trying to make a case if it did not have evidence. I am not speaking now of technical violations. At times all of us violate rules without intention. I am not speaking of cases of that kind. I am not speaking of unintentional violations. But is it intended to excuse cases of willful violation, when the evidence is such that the Government could prove it in court and could present evidence to prove the person was violating the law?

Mr. JOHNSTON. I think the last paragraph of the joint resolution answers the question. I read:

> This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

The object of the joint resolution is to clean out the few cases remaining, which are mostly in California and Texas, with a few in Louisiana. That is about the limit. Perhaps a half dozen cases in the other States of the Union could be found.

Mr. WILLIAMS of Delaware. From which part of the report has the Senator been reading?

Mr. JOHNSTON. What I have read is not in the report. I have been reading from the joint resolution itself. The language I read appears at page 2 of the joint resolution, in the second paragraph.

I should like to call the Senator's attention to the fact that it is impossible to prove an intent in a man's mind unless there are some facts from which to draw the intent.

Mr. WILLIAMS of Delaware. I recognize that fact. I am not asking the Government to try to prove something it cannot prove. I thought I heard something in the last part of the Senator's statement as he read it which would indicate that the provision did not apply unless there was an increase in the allotment for the county. I wonder what that phrase was.

Mr. JOHNSTON. The last phrase is:

> That would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

In other words, it refers to an increase in the acreage. The resolution does not apply to any case which would result in an increase in the total acreage allotted.

Mr. WILLIAMS of Delaware. I do not quite understand what difference it makes whether it increases the acreage in a county or decreases the acreage in a county, if it was fraudulently obtained.

Mr. JOHNSTON. If it was fraudulently obtained, of course, it cannot be excused, but the Department has no evidence that fraud was involved in any of the category B cases. It could be that there was some, but the Department has not been able to find it. They could still seek to collect the penalties, since fraud would not have to be shown for that purpose. But even there the Department has had no success, because the cases are so technical. The committee has earnestly tried to give relief to those guilty of technical violations who have had no wrongful intent. That is the purpose of the resolution.

Mr. WILLIAMS of Delaware. I read further from the letter:

> Your inquiry was directed to category A cases in Brazoria and Matagorda counties.
>
> The excess or unexplained acreages in this category in Brazoria County from 1958 through 1962, and the illegal transfers of such acreages which emanated from Brazoria County, during this period, are as follows:

	1958	1959	1960	1961	1962
Brazoria	90.0	1,518.7	1,706.0	1,541.1	2,357.0
Fort Bend	----	271.4	125.0	----	----
Jackson	----	908.2	1,019.2	427.1	200.0
Matagorda	146.0	315.5	242.2	455.9	420.6
Victoria	----	110.0	60.0	----	----
Waller	----	----	166.8	639.1	1,183.7
Total	236.0	3,123.8	3,319.2	3,063.2	4,161.3

Mr. JOHNSTON. The Senator is reading about category A cases. All of those are not excused.

Mr. WILLIAMS of Delaware. This is part of category A. Do I clearly understand that these are not excused?

Mr. JOHNSTON. The Senator is correct.

Mr. WILLIAMS of Delaware. With respect to category B, when there are known and provable violations, again I ask what would happen in such cases?

I will read the remainder of the letter. Perhaps the language will clarify that point:

> As information became available, the field officials of the Department took steps to cancel improper allocations in the category A cases and to recall or revoke producer allotment allocations in the category B cases as provided for in existing regulations.
>
> In view of the fact that these violations came to light just prior to or at the time of harvest of the 1962 crop of rice, administrative action was directed to 1962 cases only, with action on violations for 1961 and prior years to be taken at the earliest practicable date.
>
> On September 7, 1962, suit was brought in the U.S. District Court for the Southern District of Texas against the Texas ASCS State executive director, the ASCS county committees and county office managers of six counties in Texas by seven Texas rice farmers, praying for a preliminary injunction to prevent the recall of the allocation of producer rice acreage allotments to farms and the cancellation or reduction of farm acreage allotments as a result thereof and asking also for affirmative relief to require the return or issuance of rice marketing cards which had been canceled or withheld. Basis for the suit was that the Government's regulations under which the defendants had acted were invalid. The suit was a class action on behalf of all farmers in Texas sim-

ilarly situated and it was sought to join as party defendants all other ASCS county committees and county office managers in the Texas rice-producing area. One plaintiff withdrew from the case at the start of the trial. Trial was held on October 1, 2, and 3, 1962, and decision was rendered on October 5, 1962. The court upheld the regulation and ruled also that the plaintiffs should have exhausted their administrative and judicial remedies provided for in the Agricultural Adjustment Act of 1938, as amended. Plaintiffs appealed to the U.S. Circuit Court of Appeals for the Fifth Circuit and requested a stay order pending the appeal to prevent defendants from adjusting any more farm rice acreage allotments.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, OFFICE OF THE ADMINISTRATOR,
Washington D.C., April 3, 1963.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This is in further reference to your letters of June 29, 1962, and February 28, 1963, with respect to multiple assignments of rice acreage allotments in Matagorda and Brazoria Counties in Texas.

On June 3, 1962, Carl E. Lively, the Matagorda ASCS County office manager died of cancer. Immediately thereafter the Texas State Office became aware of some indicated rice allotment irregularities in the county. A preliminary investigation by State office personnel pointed up several illegal transfers of producer rice allotments between Matagorda and Brazoria Counties. A further check in Brazoria County confirmed their suspicions. Similar transfers appeared to have taken place between these and other counties, Jackson and Waller.

Evidence indicated certain persons in the county offices of Brazoria, Matagorda, Jackson, and Waller Counties had accepted money from producers for rice acreage allotments or for increases in producer allotments.

The services of the Agricultural Stabilization and Conservation Investigation Division, Office of the Inspector General; Agricultural Stabilization and Conservation Internal Audit Division, Office of the Inspector General; and the Federal Bureau of Investigation were requested on or about June 8, 1962, to determine the extent of the acreages and personnel involved. As their findings were disclosed, certain actions were taken by the Department.

When the investigations were well under way it became apparent that the indicated violations fell into the following categories:

A. Instances where a producer paid a county office employee annually over the past 2 or 3 years a monetary fee per acre for an increase in his producer rice acreage allotment. These irregularities appeared to be confined to four counties. This allotment acreage is usually duplicated by having been allocated to two or more farms and planted, but in some cases the producer allotment so allocated was in the name of a fictitious person.

B. Instances where two producers entered into an agreement or partnership for the purpose of producing rice on a joint basis, although it appears that one of the producers actually withdrew from the production of rice and was paid money at the time by the other producer for the use of his allotment, on an annual or permanent basis. In either instance, annual applications for allocation of producer allotments to a farm were approved on the basis that both producers were to be "engaged in the production of rice" on the farm. Effective with the 1958 crop year, regulations have provided for the recall of any producer rice acreage allotment and a reduction of the farm allotment upon a finding after a scheduled hearing before the ASC county committee, that the producer was not "engaged in the production of rice" as indicated at the time of allocating his producer allotment to the farm.

Category A cases are of a limited number; category B cases are numerous and affect many producers directly and indirectly. One or more years during the period 1958 through 1962 are involved in each. However, subsequent to the initial action taken by the State committee, which resulted in the recall or revocation of allotments in the category B cases, many of the producers involved have furnished the State committee with evidence which substantiated their claim that they were "engaged in the production of rice" in the 1962 crop year, thereby clearing their operations for such year.

Your inquiry was directed to category A cases in Brazoria and Matagorda Counties.

The excess or unexplained acreages in this category in Brazoria County from 1958 through 1962, and the illegal transfers of such acreages which emanated from Brazoria County, during this period, are as follows:

	1958	1959	1960	1961	1962
Brazoria	90.0	1,518.7	1,706.0	1,541.1	2,357.0
Fort Bend	------	271.4	125.0	------	------
Jackson	------	908.2	1,019.2	427.1	200.0
Matagorda	146.0	315.5	242.2	455.9	420.6
Victoria	------	110.0	60.0	------	------
Waller	------	------	166.8	639.1	1,183.7
Total	236.0	3,123.8	3,319.2	3,063.2	4,161.3

As information became available, the field officials of the Department took steps to cancel improper allocations in the category A cases and to recall or revoke producer allotment allocations in the category B cases as provided for in existing regulations.

In view of the fact that these violations came to light just prior to or at the time of harvest of the 1962 crop of rice, administrative action was directed to 1962 cases only, with action on violations for 1961 and prior years to be taken at the earliest practicable date.

On September 7, 1962, suit was brought in the U.S. District Court for the Southern District of Texas against the Texas ASCS State executive director, the ASCS county committees and county office managers of six counties in Texas by seven Texas rice farmers, praying for a preliminary injunction to prevent the recall of the allocation of producer rice acreage allotments to farms and the cancellation or reduction of farm acreage allotments as a result thereof and asking also for affirmative relief to require the return or issuance of rice marketing cards which had been canceled or withheld. Basis for the suit was that the Government's regulations under which the defendants had acted were invalid. The suit was a class action on behalf of all farmers in Texas similarly situated and it was sought to join as party defendants all other ASCS county committees and county office managers in the Texas rice-producing area. One plaintiff withdrew from the case at the start of the trial. Trial was held on October 1, 2, and 3, 1962, and decision was rendered on October 5, 1962. The court upheld the regulation and ruled also that the plaintiffs should have exhausted their administrative and judicial remedies provided for in the Agricultural Adjustment Act of 1938, as amended. Plaintiffs appealed to the U.S. Circuit Court of Appeals for the Fifth Circuit and requested a stay order pending the appeal to prevent defendants from adjusting any more farm rice acreage allotments. The stay order was granted. Arguments before the Circuit Court of Appeals for the Fifth Circuit were heard on February 21, 1963, but to date no decision has been handed down. At the close of the argument, motion was filed by counsel for plaintiffs seeking withdrawal from the action by three of the remaining plaintiffs.

The stay order has been in effect since October 15, 1962, and the Department has been precluded by reason thereof from taking administrative action leading to the recall or revocation of the rice acreage allotment in any case in which action had not already been taken at the time the stay order was issued.

Practically all farmers whose allotments were reduced or canceled before the stay order was issued have availed themselves of the opportunity to apply for a review of the administrative action before a review committee, as provided for in the Agricultural Adjustment Act of 1938. Many hearings before review committees were scheduled, but most were postponed or continued at the request of the farmers pending the outcome of the court action.

However, six category A cases were heard by the review committee for Matagorda County and three category B cases were heard by the review committee for Chambers County. In each case, the review committee found for the farmer. The Matagorda County cases were reopened on behalf of the Secretary of Agriculture, but the review committee affirmed the prior determinations.

If the decision of the Circuit Court of Appeals for the Fifth Circuit is favorable to the Government, further administrative and review committee action will be taken in accordance with applicable regulations. If the decision is unfavorable, no such action can be taken and any prior action by the Department under the regulations would likely have been invalidated.

We are informed by the Criminal Division, Department of Justice, that as a result of the investigations, criminal indictments have been obtained against Victor M. Dziewas, farmer fieldman, district 13, Texas ASCS State Office, David C. Stephens, Brazoria ASCS County office manager, Tacitus Thornhill, Waller ASCS County office manager, J. W. Killough, Jr., farmer, Brazoria County, Lawrence G. Newman, and (Mr.) Pearl Bellard. The latter two men posed as farmers from Brazoria County, but actually were not engaged in farming. Carl E. Lively, former Matagorda ASCS County office manager, and Norman E. Scaff, former Jackson ASCS County office manager, who were involved in the investigations, are deceased. Dziewas has pleaded guilty, but has not been sentenced pending trial of Stephens, who has pleaded not guilty. Thornhill originally pleaded guilty and was sentenced to 2 years in prison and fined $30,000; he later had a nervous breakdown, his guilty plea was withdrawn and a not guilty plea entered for him, a motion was filed to test his competency, and he is now in a hospital undergoing treatment. Killough pleaded guilty, but has not been sentenced, pending trial of Stephens. Newman pleaded guilty and was given a 2-year sentence, which was suspended, and fined $1,500. Bellard has pleaded not guilty and will be tried with Stephens. It is expected that the trial of Stephens and Bellard will be held during the summer months, although no date has been set.

As it became known that employees of the Department were involved in illegal transfers of rice allotments, appropriate personnel actions were initiated. As a result, all the persons indicted who were employees of the Department were removed from office. Many others who, although not considered to have violated any criminal statute, were considered to have been guilty of conduct incompatible with their continued employ-

ment, and were removed from office or their employment was terminated. These include three county committeemen, one alternate county committeeman, one county office clerk, one performance supervisor, two performance reporters, two community committeemen, and two alternate community committeemen. One review committeeman was not reappointed when his term of office expired. Three county committeemen and four community committeemen were permitted to serve out their terms of office. In addition, resignations were accepted from one State committeeman, one community committeeman, and one county office clerk.

Personnel actions in the cases of certain persons holding minor offices or positions have been withheld pending the holding of review hearings which have been initiated by such persons, and/or the results of further investigation currently in progress. Additional personnel actions of the types indicated above are currently underway and it is contemplated that others may be forthcoming.

If we can furnish you any additional information, we shall be glad to do so.

Sincerely yours,

H. D. GODFREY,
Administrator.

Mr. WILLIAMS of Delaware. Would the joint resolution affect any of the cases that are brought into court?

Mr. JOHNSTON. All of category B cases are exempt. The Government has found that cases in that classification are cases which it cannot prove, or in connection with which it cannot find a wrongful intent.

Mr. WILLIAMS of Delaware. If the Government does not feel it can prove a case, why does not the Government drop the case? Is it necessary to have Congress tell the Government not to prosecute a man against whom it does not have sufficient evidence? We should not have to tell the Government not to prosecute a case which the Government cannot prove.

If the provision goes beyond that, I want to know to what extent it goes. I would be surprised to hear that the Department of Agriculture would try to harass farmers with suits the Department cannot prove.

Mr. JOHNSTON. The Department has not been able to collect penalties in these cases against the farmers themselves. The Department has cases pending with regard to those who probably have committed some wrong. Those cases would not be excused.

Mr. WILLIAMS of Delaware. Does it affect in any way the status of the Government's case against an employee of the United States?

Mr. JOHNSTON. Not at all.

Mr. WILLIAMS of Delaware. It does not affect such a case in any degree?

Mr. JOHNSTON. No.

Mr. WILLIAMS of Delaware. Does the Senator have assurance that it does not affect in any way the right of the Government to prosecute any employee of the Government?

Mr. JOHNSTON. The joint resolution does not affect suits against such employees in any way.

Mr. WILLIAMS of Delaware. In no way at all?

Mr. JOHNSTON. In no way at all.

Mr. WILLIAMS of Delaware. It affects only those in category B?

Mr. JOHNSTON. Where it appears that some wrong has been committed but where the person involved did not know he was committing any wrong.

Mr. WILLIAMS of Delaware. Only the type of case in which a regulation has been violated unknowningly?

Mr. JOHNSTON. Where there has been a technical violation. It involves cases in which a person did not have a clear understanding of the fact that he was doing something wrong, or he was doing something wrong without any intention to do wrong. We do not believe any clear, willful violations are involved.

Mr. WILLIAMS of Delaware. With the assurance that the joint resolution does not go beyond that point, I will not object.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 192) was ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. MOSS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 458, S. 283.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 283) to amend the Small Reclamation Projects Act of 1956.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 6, to insert "(a)"; on page 2, line 6, after the word "of", to strike out "$7,500,000" and insert "$5,000,000"; in line 9, after the word "of", to strike out "$7,500,000" and insert "$5,000,000"; at the beginning of line 18, to insert "(b)"; on page 3, at the beginning of line 15, to insert "(c)"; at the beginning of line 20, to insert "(d)"; on page 4, at the beginning of line 1, to insert "(e)"; at the beginning of line 9, to insert "(f)"; at the beginning of line 12, to insert "(g)"; on page 5, at the beginning of line 10, to insert "(h)"; in line 25, after the word "Secretary", to strike out "If a loan has been made by another Federal agency for this purpose on a project approved for a construction loan under this Act, the Secretary may provide from construction funds the full amount necessary to repay that loan and that amount shall be repaid as a part of the construction loan under this Act." and insert "If a loan or advance of funds has been made by another Federal agency for planning with respect to a project theretofore or subsequently approved for a construction loan under this Act, the Secretary may provide from construction funds the full amount necessary to repay that loan or advance of funds and such amount shall be included as a part of the construction loan under this Act."; on page 6, at the beginning of line 12, to insert "(i)"; at the beginning of line 14, to insert "(j)"; after line 19, to strike out:

SEC. 10. The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

At the beginning of line 23, to insert "(k)"; on page 7, after line 14, to strike out:

SEC. 12. This Act shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956.

And, after line 17, to strike out:

SEC. 13. If any provision of this Act or the application of such provision to any person, organization, or circumstance shall be held invalid, the remainder of the Act and the application of such provision to persons, organizations, or circumstances other than those as to which it is held invalid shall not be affected thereby.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044, as amended by 71 Stat. 48 and 49) is amended as follows:

(a) Amend subsection (d) of section 2 to read as follows:

"(d) The term 'project' shall mean (i) any complete irrigation undertaking including incidental features thereof, or distinct unit of such an undertaking or a rehabilitation and betterment program for an existing irrigation project, authorized to be constructed pursuant to the Federal reclamation laws and (ii) any similar undertaking proposed to be constructed by an organization. The term 'project' shall not include any such undertaking, unit, or program the cost of which exceeds $10,000,000: *Provided,* That no loan or grant or combination thereof in excess of $5,000,000 will be made: *Provided further,* That nothing contained in this definition shall preclude the making of a grant not in excess of $5,000,000 in accordance with the provisions of sections 4 and 5 of this Act, to organizations whose proposed projects qualify for the same but which are not applicants for a loan under this Act: *And provided further,* That nothing contained in this Act shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such loans or grants or combinations thereof, are for the same project, as herein defined."

(b) Amend subsection (a) of section 4 to read as follows:

"(a) Any proposal with respect to the construction of a project which has not theretofore been authorized for construction under the Federal reclamation laws shall set forth, among other things, a plan and estimated cost in detail adequate to provide a clear understanding of the project, to demonstrate that it is financially feasible, and to define the maximum amount of the loan; shall have been submitted for review by the States of the drainage basin in which the project is located in like manner as provided in subsection (c), section 1 of the Act of December 22, 1944 (58 Stat. 887), except that the review may be limited to the State or States

in which the project is located if the proposal is one solely for rehabilitation and betterment of an existing project; and shall include a proposed allocation of capital costs to functions such that costs for facilities used for a single purpose shall be allocated to that purpose and costs for facilities used for more than one purpose shall be so allocated among the purposes served that each purpose will share equitably in the costs of such joint facilities."

(c) Amend subsection (b) of section 4 by striking out the word "construction" from the phrase which now reads "and willing to finance otherwise than by loan and grant under this Act such portion of the cost of construction" and insert in lieu thereof "the project".

(d) Amend subsection (d), section 4, by adding at the end of the first sentence the following: "*Provided*, That an appropriation may be made before the end of said sixty days if both House and Senate committee shall have earlier approved the proposal by committee resolution."

(e) Amend subsection (a) of section 5 to read as follows:

"(a) The maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the estimated total cost of the project minus the contribution of the local organization as provided in section 4(b) and the amount of the grant approved."

(f) Amend subsection (b) of section 5 by inserting in the second sentence after the words "said grant" and before the words "shall not exceed" the following: "may equal but".

(g) Amend subsection (c) of section 5 to read as follows:

"(c) A plan of repayment by the organization of (1) the sums lent to it in not more than fifty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum at the beginning of the fiscal year preceding the date on which the contract is executed, on that portion of the loan which is attributable to furnishing water service or facilities to land held in private ownership in each year by any one owner in excess of one hundred and sixty irrigable acres; and (3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, or commercial power, interest on the unamortized balance of an appropriate portion of the loan as a rate as determined in (2) above: *Provided*, That interest as determined herein shall apply to loans made herctofore under this Act;".

(h) Add, as a new section, section 8, to read as follows:

"SEC. 8. If he determines that it is justified, the Secretary may advance to an organization, eligible for a loan under this Act, funds up to half the amount required to undertake project investigations, to prepare the loan applications, and to do other work necessary to obtaining of a construction loan, the funds so advanced to become a part of the loan and grant or combination thereof; to be repaid as provided in section 5 of this Act, if not otherwise repaid. If no loan under this Act is made to the organization and no construction (whether or not financed under this Act) is performed as a result of such investigations or studies, such funds advanced may be nonreimbursable. Funds for this purpose shall not be advanced until the local organization has presented its program for these activities for approval by the Secretary.

If a loan or advance of funds has been made by another Federal agency for planning with respect to a project theretofore or subsequently approved for a construction loan under this Act, the Secretary may provide from construction funds the full amount necessary to repay that loan or advance of funds and such amount shall be included as a part of the construction loan under this Act."

(i) Renumber existing sections "8," "9," "10," and "11," as sections "9," "10," "11," "12," and "13," respectively.

(j) Amend section 9, formerly section 8, to read as follows:

"SEC. 9. The planning and construction of projects undertaken pursuant to this Act shall be subject to all procedural requirements and other provisions of the Fish and Wildlife Coordination Act."

(k) Amend section 11, formerly section 10, to read as follows:

"SEC. 11. There are hereby authorized to be appropriated, such sums as may be necessary, but not to exceed $200,000,000 to carry out the provisions of this Act, this limit to be extended by the amounts of repayment of principal received from loans and the amount of nonreimbursable expenditures under this Act: *Provided*, That the Secretary shall advise the Congress promptly on the receipt of each proposal referred to in section 3, and no contract, except as may be necessary under section 8, shall become effective until appropriated funds are available to initiate the specific proposal covered by each contract. All such appropriations shall remain available until expended and shall, insofar as they are used to finance loans made under this Act, be reimbursable in the manner hereinabove provided."

Mr. MOSS. Mr. President, the purpose of the bill is to extend one of the most successful programs undertaken by the Bureau of Reclamation. The Small Reclamation Projects Act of 1956 established a program under which certain types of organizations, both private and public, could obtain loans for small reclamation projects and grants for those portions of the projects that are nonreimbursable as a matter of national policy.

The present limit on the amount that may be loaned is $5 million with an overall limitation of $10 million, the balance being supplied by the local entity that applies for a loan to construct or rehabilitate a project whose purpose is primarily for irrigation. Actually, the program to date has been largely for rehabilitation and betterment of small existing irrigation district works, improving distribution systems, providing drainage, and other matters related to the better use of land and water.

The projects are constructed by the local agency which is responsible for planning, building, operating, and maintaining the system. The Bureau of Reclamation examines the plans to determine whether the project can accomplish its purpose and will provide for the repayment of the loan.

The program has demonstrated that through real cooperation, very favorable results can be obtained by joining Bureau of Reclamation know-how with the advantages of local administration.

The proposed amendments to the original act would increase the authorized amount from $100 million to $200 million. The original authorization has been practically exhausted and if the program is to continue, as we of the committee feel it should, the increase in authorization is a must.

A second amendment relates to and defines more specifically the amount of detail to be included in the application for a loan.

Under the present act the Appropriations Committee cannot make funds available for construction of an approved project until the proposal has been before the Interior and Insular Affairs Committees of the Senate and the House for 60 days, and then only if a resolution of disapproval is not adopted by either committee during this time. An amendment would permit this requirement to be bypassed if a favorable resolution on the project was adopted by both committees.

Another amendment would provide that, for those portions of the project that require interest, the rate to be charged would be in conformity with the criteria established by the Water Supply Act of 1958, the formula that now controls in all water projects including those of the Department of the Interior, the Corps of Engineers, and the Department of Agriculture.

Based on current average prices on Government securities, which are neither due nor callable for redemption for 15 years, the bill would reduce interest costs on projects started after its passage by slightly less than 1 percent. This provision would be retroactive and would thus save money for present projects as well as for future ones.

These are the proposals of the sponsors and the decision of the committee. We of the West believe that the program is a good one and should continue. We are satisfied that the experience of the past 6 years indicate that the matters proposed here will make for better procedures and establish further guidelines for the implementation of a program that is designed to help the small organizations in solving their own problems at the local level. I know that this is true in my own State of Utah where at least nine different agencies have either completed their projects, have them under construction, or are in the process of completing application. I am sure that the record will show that the same is true in the other States in the West where the program has been utilized.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered original text for the purpose of amendment.

The PRESIDING OFFICER. Without objection, the committee amendments will be agreed to en bloc, and the bill as thus amended will be considered as original text for the purpose of amendment.

Mr. KUCHEL. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated.

Public Law 88-160
88th Congress, H. J. Res. 192
October 28, 1963

Joint Resolution

77 STAT. 279.

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

Agriculture.
Rice acreage allotments.
Validity.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

Approved October 28, 1963.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 595 (Comm. on Agriculture).
SENATE REPORT No. 503 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 109 (1963):
Aug. 5: Considered and passed House.
Oct. 17: Considered and passed Senate.

GPO 99-139